

By Mr. HUFF: Paper to accompany bill for relief of W. Scott King (H. R. 27449)—to the Committee on Military Affairs.

By Mr. HULL of Iowa: Petition of Iowa Retail Hardware Association against parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of Kentucky: Papers to accompany bills for relief of estate of Alexander Williams; H. M. Moss, heir of Joseph M. Moss; and Mary H. Letcher, executrix of estate of Thomas K. Letcher—to the Committee on War Claims.

By Mr. KIMBALL: Papers to accompany bills for relief of Ruth W. Spurr, heir of J. Howard Sheffer; J. N. Yager and other heirs of S. C. Yager; George W. McIntyre; and Ambrose D. Vallandingham—to the Committee on War Claims.

Also, petition of Paris (Ky.) Lodge, No. 373, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. LONGWORTH: Petition of Newtown Council, No. 230, and Walnut Hills Council, No. 125, Junior Order United American Mechanics, for an effective exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of merchants of Pinconning, Mich., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MARSHALL: Memorial of the senate and house of representatives of North Dakota, favoring issuance of \$500,000, 000 2 per cent bonds for waterway improvement—to the Committee on Rivers and Harbors.

Also, petition of Heinrich Steinhauer, for legislation to prevent the inhuman and brutal treatment of German-Russian immigrants at Ellis Island—to the Committee on Immigration and Naturalization.

By Mr. POLLARD: Petition of Nebraska legislature, for appropriation for a clock on the post-office building in Lincoln, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. PRAY: Petition of Great Falls Lodge, No. 214; Bozeman Lodge, No. 463; Billings Lodge, No. 394; Missoula Lodge, No. 383; Virginia City Lodge, No. 390; and Silver Bow Lodge, No. 240, Benevolent and Protective Order of Elks, all in the State of Montana, for reservation for the care of the American elk—to the Committee on the Public Lands.

Also, petition of citizens of Montana, against Sunday-closing bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. REYNOLDS: Petition of Johnstown (Pa.) Lodge, No. 175, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. ROBERTS: Petition of citizens at Ford Hall meeting, Boston, Mass., evening of February 21, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of Melrose (Mass.) Lodge, No. 1631, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. SHERLEY: Paper to accompany bill for relief of C. Lee Hawkins, administrator of estate of Reuben W. Hawkins—to the Committee on War Claims.

By Mr. SIMS: Paper to accompany bill for relief of M. D. Meriwether—to the Committee on War Claims.

Also, petition of Pleasant Springs Colored Farmers' Progressive Union, No. 74, for the granting of a pension to those colored people who were slaves at and prior to the year 1861—to the Committee on Pensions.

By Mr. SNAPP: Petition of certain residents of Elwood, Ill., favoring parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolutions of the men's class of the United Church of New Haven, Conn., favoring the children's bureau bill—to the Committee on Expenditures in the Interior Department.

Also, resolutions of the Connecticut Congress of Mothers, favoring the children's bureau bill—to the Committee on Expenditures in the Interior Department.

By Mr. STEPHENS of Texas: Petition of Amarillo Lodge, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. STEVENS of Minnesota: Joint memorial of state legislature of Minnesota, against enactment of the McCumber grain-inspection bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Millers' Club of Minnesota, against tax levied on American flour by European countries—to the Committee on Ways and Means.

Also, petition of the Minnesota Mercantile Company, of Stillwater, Minn., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of St. Paul (Minn.) Lodge, No. 50, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

Also, petition of St. Paul Board of Trade, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. SWASEY: Papers to accompany bills for relief of Frank Cooper and Freeman B. Andrews—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Winfield S. Howe—to the Committee on Invalid Pensions.

Also, petition of citizens of Greene, Me., in favor of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. THISTLEWOOD: Petition of Commercial Club of Metropolis, Ill., favoring appropriation for improvement of inland waterways—to the Committee on Rivers and Harbors.

By Mr. WANGER: Preamble and resolution disapproving of the creation of a national consular school, adopted by the board of directors of the National Business League of America at Chicago, February 15, 1909—to the Committee on Foreign Affairs.

By Mr. WEBB: Petition of merchants of Cleveland County, against the parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Petition of Joseph A. Schofield and 92 others, of Warren County, Pa., against removal of duty on crude oil—to the Committee on Ways and Means.

By Mr. WILEY: Petition of E. P. Rigsby and others, of Shell, Ala., against reduction of the duty on lumber—to the Committee on Ways and Means.

By Mr. WOOD: Petition of citizens of Trenton, N. J., favoring the children's bureau bill—to the Committee on Expenditures in the Interior Department.

Also, petition of Princeton Agricultural Association and Mercer Grange, No. 77, Patrons of Husbandry, of Hopewell, N. J., for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Lambertville (N. J.) Lodge, No. 1070, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

## SENATE.

MONDAY, *March 1, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. HOPKINS. Mr. President, on the 23d of February the Senate had under consideration the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

That bill, as I understand it, was a substitute for what is known as the "Foraker bill," touching the Brownsville matter. I was not present at the time of the consideration of the bill. There were two votes taken upon the bill; one on the amendment that was offered by the senior Senator from Virginia [Mr. DANIEL] to strike out section 2 of the bill, and the other on the passage of the bill itself.

I find that in the arrangement of pairs I am recorded in favor of the amendment and against the bill. This is an error. Had I been present I should have voted against the amendment offered by the Senator from Virginia, and I should have voted for the bill on its final passage. I desire to make this statement in order to correct the RECORD as I find it.

## CREDENTIALS.

Mr. FOSTER. Mr. President, in the absence of the senior Senator from Georgia [Mr. BACON], on account of sickness, I present the credentials of the junior Senator from Georgia [Mr. CLAY].

The credentials of A. S. CLAY, appointed by the governor of Georgia a Senator from that State for the term beginning March 4, 1909, to fill the vacancy in the term until the next meeting of the legislature thereof, were read and ordered to be filed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 5729. An act to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof;

S. 9006. An act to amend an act authorizing the Washington, Spa Springs and Greta Railroad Company, of Maryland, to enter the District of Columbia, approved February 18, 1907; and

S. 9373. An act to provide for the sale of isolated tracts of public land in Imperial County, Cal.

The message also announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 6055. An act to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia;

S. 8058. An act authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior;

S. 9278. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors; and

S. 9421. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 28055. An act to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa.;

H. R. 28376. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes;

H. J. Res. 225. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C.;

H. J. Res. 261. Joint resolution authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America in the year 1912;

H. J. Res. 262. Joint resolution extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; and

H. J. Res. 265. Joint resolution to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON of Ohio, Mr. ALEXANDER of New York, and Mr. SPARKMAN managers at the conference on the part of the House.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 9067. An act to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers;

S. 9422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors;

S. 9454. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors;

H. R. 4286. An act for the relief of John Shull; and  
H. R. 15681. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico.

## RIVER AND HARBOR APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FRYE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. NELSON, Mr. GALLINGER, and Mr. MARTIN conferees on the part of the Senate.

## HOUSE BILLS REFERRED.

H. R. 28055. An act to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa., was read twice by its title and referred to the Committee on Military Affairs.

H. R. 28376. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. J. Res. 225. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C., was read twice by its title and referred to the Committee on the Library.

H. J. Res. 261. Joint resolution authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America, in the year 1912, was read twice by its title and referred to the Committee on Foreign Affairs.

H. J. Res. 262. Joint resolution extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of the State Child Labor Committee of Boston, and of the Ford Hall Citizens Meeting of Boston, in the State of Massachusetts; of the Woman's Municipal League of Brooklyn; of Eliza C. Tappan, of Glen Cove; and of sundry citizens of Pelham, all in the State of New York, praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 6, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate February 10, 1909, and concurred in by the house February 19, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.  
Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON,  
Secretary of State.

## Senate joint memorial 6.

Whereas there is pending in the Congress of the United States a bill providing for instruction in forestry in the colleges of agriculture and mechanic arts and for experiments in forestry in the agricultural experiment stations located in the different States, providing for an appropriation of \$2,500 per annum to each branch of these institutions located in the several States for such purposes; and

Whereas the protection and perpetuation of our forests is of vital importance, said industry being one of the most valuable to all our people

and one which should be protected and encouraged in every possible way: Therefore be it

*Resolved by the senate and house of representatives of the State of Oregon.* That it is the sense of the people of the State of Oregon that this bill should pass and that our Representatives in Congress and in the Senate of the United States use all honorable means in assisting in its passage; and be it further

*Resolved,* That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States in Congress assembled and to each of our Representatives and United States Senators by the secretary of state.

Concurred in by the house February 19, 1909.

C. N. McARTHUR, *Speaker.*

Passed by the senate February 10, 1909.

JAY BOWERMAN, *President.*

Indorsed: Senate joint resolution 6, Wm. H. Barry, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

The VICE-PRESIDENT presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of House joint memorial No. 2, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 22, 1909, and concurred in by the senate, February 9, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON,  
*Secretary of State.*

House joint memorial 2.

To the honorable Senate and House of Representatives  
of the United States of America:

Your memorialists, the legislative assembly of the State of Oregon, most respectfully represent that—

Whereas the grain growers of the Pacific coast are compelled to handle their grain in bags on account of the principal market for their product being in Europe, which necessitates the shipping of grain around by ocean, and the consequent use of bags for holding grain to prevent the shifting of the cargo; and

Whereas the grain producers of the Pacific coast are at a disadvantage on account of their great distance from market, as they are farthest away from the point of consumption of their product, and consequently pay a higher freight rate and receive a lower price for their product; and

Whereas the grain growers of the Pacific coast are further handicapped by the fact that they are forced, on account of high freight rates, and their situation to pay more for their machinery than is paid by grain producers in any other part of this country, or by any of their competitors in any other part of the world; and

Whereas the duty on grain bags and on burlap cloth used in the manufacture of grain bags, wool bags, and for inclosing hop products, affords substantially no protection to American labor and but small protection to American manufacture, and it will be impossible to ever build up a large industry in the manufacture of such articles, and we therefore believe as a protective measure, it falls of its object, being more oppressive than protective, and a heavy tax on the industries on which the Pacific coast depend mainly for their prosperity, and as a means of producing revenue is unfair as it falls as a burden on those already burdened by the high cost of producing grain and other products and the low price at which they must sell the same. Therefore

Your memorialists request your honorable body to remove the duty on burlap described by section 341 of the Dingley tariff, 1897, and admit the goods enumerated in that section into the United States free of duty; and to amend section 343 of the present Dingley tariff to read as follows: Bags or sacks made from plain woven fabrics, of single jute yarn, not dyed, colored, stained, painted, printed, or bleached, and not exceeding 30 threads to the square inch, counting the warp and filling, one-half of 1 cent per pound.

Be it *resolved* by the legislative assembly that the secretary of state is hereby instructed to transmit a copy of this resolution to Hon. C. W. FULTON and Hon. JONATHAN BOURNE, United States Senators, and to Hon. W. R. ELLIS and Hon. W. C. HAWLEY, Representatives from Oregon, and respectfully request them to use their utmost endeavor to have the above-mentioned duties removed.

Passed the house January 22, 1909.

C. N. McARTHUR,  
*Speaker of the House.*

Passed the senate February 9, 1909.

JAY BOWERMAN,  
*President of the Senate.*

Indorsed house joint memorial 2, W. F. Drager, chief clerk; filed February 23, 1909; F. W. Benson, secretary of state.

The VICE-PRESIDENT presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 11, twenty-fifth legislative assembly of the State of Oregon, adopted by the house February 19, 1909, and concurred in by the senate February 20, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON,  
*Secretary of State.*

Joint memorial 11.

Whereas the bill in the United States Congress to acquire forest lands on the Eastern Appalachian Mountains, in the States of New Hampshire and Maine at the north, and in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee and Kentucky at the south, has three times passed the United States Senate, was recommended in a special message once by President William McKinley and twice by Theodore Roosevelt, has the unqualified approval of the President-elect, William H. Taft, and has now been recommended to the House of Representatives by a vote of 10 to 4 in the Committee on Agriculture; and

Whereas the governor of Massachusetts, Curtis Guild, jr., has asked the governor and people of Oregon to lend their support to the passage of this measure at this session of Congress before it adjourns on March 4: Therefore be it

*Resolved by the senate and house of representatives of the State of Oregon.* That the passage of this measure by the Federal Government is approved. Be it further

*Resolved,* That the people of this State and the legislature thereof favor the appropriation of moneys by the Congress of the United States for acquiring title to and reforesting deforested areas, whenever and wherever this policy may be necessary in any of the States of the Union, and the governor is hereby requested to transmit copies of this resolution to members of the Oregon delegation in Congress.

Adopted by the house February 19, 1909.

C. N. McARTHUR,  
*Speaker of the House.*

Concurred in by the senate February 20, 1909.

JAY BOWERMAN,  
*President of the Senate.*

Indorsed: House joint memorial 11, W. F. Drager, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

The VICE-PRESIDENT presented a joint memorial of the legislature of Oregon, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 5, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate February 3, 1909, and concurred in by the house February 12, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 19th day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON,  
*Secretary of State.*

Senate joint memorial 5.

Whereas in this and many other States where prohibition or local option prevail liquor dealers residing in territory where prohibition or local option do not prevail continually ship intoxicating liquors of all kinds into the territory in which prohibition or local option has been voted; and

Whereas such shipments have been held to constitute interstate commerce when the same are shipped from one State into another, the regulation of which is entirely within the power of Congress: Therefore be it

*Resolved by the senate of the State of Oregon (the house of representatives concurring).* That we hereby respectfully memorialize Congress to enact a law prohibiting shipments of intoxicating liquors from a State or Territory in which neither local option nor prohibition prevails into a State or Territory in which the same does prevail.

Concurred in by the house February 12, 1909.

C. N. McARTHUR, *Speaker.*

Adopted by the senate February 3, 1909.

JAY BOWERMAN, *President.*

Indorsed: Senate joint memorial No. 5, Wm. H. Barry, chief clerk; filed February 19, 1909, F. W. Benson, secretary of state.

The VICE-PRESIDENT presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 11, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate February 15, 1909, and concurred in by the house February 19, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON,  
*Secretary of State.*

FEBRUARY 12, 1909.

To the honorable Senate and House of  
Representatives of the United States:

Your memorialists, the legislature of the State of Oregon, respectfully represent that in common with the people of this Commonwealth we appreciate and commend the efforts which the President of the United States has been and is making looking to the conservation of the nat-

ural resources of the country. The appointment of a National Conservation Commission and state commission to bring about cooperation on the part of the National Government and the several States, aside from having brought to the attention of the country the rapid depletion of its natural resources, is arousing a deep interest in the subject which is likely in the very near future to bring about active cooperation upon the part of the National and state governments for the preservation of those resources which have not been exhausted, and as well for the renewal of those which are capable of being renewed. As a part of this general scheme the Inland Waterways Commission, appointed by the President, has been a factor in the conservation movement, and in our opinion the Congress of the United States should make liberal appropriations to aid in the movement which the President has inaugurated and which promises much for the future well-being, development, and enrichment of our country, for the perpetuation of our institutions, and the protection of generations yet unborn.

Therefore we, the legislature of the State of Oregon, representing the people of the State, do respectfully memorialize Congress to make liberal appropriations to aid in the movement between the Nation and the States for the conservation of our natural resources, so that the work of the National Conservation Commission, assisted by the Inland Waterways Commission and the several state commissions, may not be delayed or hindered, but continue uninterrupted in accordance with the policies outlined by the President of the United States and indorsed and commanded by the President-elect.

Concurred in by the house February 19, 1909.

C. N. McARTHUR,  
Speaker.

Adopted by the senate February 15, 1909.

JAY BOWERMAN,  
President.

Indorsed: Senate joint memorial 11, William H. Barry, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

The VICE-PRESIDENT presented a joint memorial of the legislature of South Dakota, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,  
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota*:

I, Samuel C. Polley, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 17, as passed by the legislature of 1909 of the State of South Dakota, with all the indorsements thereon and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota.

Done at the city of Pierre, this 25th day of February, 1909.

[SEAL.] SAMUEL C. POLLEY,  
Secretary of State.

House joint resolution memorializing Congress to maintain and increase the tariff upon wool.

*Be it resolved by the house of representatives of the State of South Dakota (the senate concurring):*

Whereas foreign competition in the wool market is so strong that the price of wool in the United States is frequently reduced below the price of production and a great and profitable industry is crippled thereby; and

Whereas it is with proper protection perfectly possible for the farmers of the United States to not only supply the entire American demand for wool, but to as well produce large quantities for exportation: Therefore

*Resolved*, That the legislature of the State of South Dakota hereby petitions the Congress of the United States to maintain the tariff upon wool in the revision of the tariff schedules now in contemplation.

I hereby certify that the within act originated in the house and was known in the house files as house joint resolution No. 17.

JAMES W. CONE,  
Chief Clerk.

STATE OF SOUTH DAKOTA, *Office of secretary of state, ss:*

Filed February 23, 1909, at 5.15 o'clock p. m.

SAMUEL C. POLLEY,  
Secretary of State.

A joint resolution memorializing Congress to maintain and increase the tariff upon wool.

M. J. CHANEY,  
Speaker of the House.

Attest:  
JAMES W. CONE, *Chief Clerk*.

HOWARD C. SHOBER,  
President of the Senate.

Attest:  
E. M. SIMONS, *Secretary of the Senate*.

The VICE-PRESIDENT presented a concurrent resolution of the legislature of Kansas, which was ordered to lie on the table and be printed in the RECORD, as follows:

House concurrent resolution 21.

Whereas the National House of Representatives have declined to make any appropriation for the maintenance of the several pension agencies of the United States, and by this action on their part are making a strong effort to consolidate the 18 agencies into one, to be located in the city of Washington;

Whereas there are many pensioners on the rolls of the Topeka agency that are almost wholly dependent upon their pensions for their support and maintenance, and by such consolidation it would cause a delay of ten to fifteen days longer than it does now in receiving their pension checks from Washington, thereby in a measure working a hardship upon them; and

Whereas the Topeka (Kans.) Agency is more nearly the center of the veteran population of the United States, and in consequence thereof the largest agency, and that the records will show transacts the business of the office at a less ratio of expense than other agencies, with less employees; and

Whereas a number of the clerks at said agency are veterans of the civil war, a large percentage of whom own their homes, and a removal of said agency to Washington would work a pecuniary loss to them should they be assigned to accompany the agency; and if not, work an injustice upon men well qualified and fitted by reason of their experience to perform any of the clerical labor assigned them, by reason of throwing them in competition with younger applicants for clerical positions in business life; and

Whereas should such contemplated consolidation take place, and some or all of the veteran employees be thrown out of employment, it would work a hardship upon them, in this, that owing to their advancing in age it would be impossible for them to embark or engage in any business for themselves or to obtain employment in any other capacity: Therefore be it

*Resolved by the house of representatives of the State of Kansas (the senate concurring therein)*, That we hereby earnestly protest against the consolidation of all the agencies into one, and that we urge and request our delegation in Congress to use all honorable means to defeat such a measure.

*Resolved*, That a copy of this resolution be transmitted to each of our Members of Congress and Senators, the President of the Senate, the Speaker of the House, and to the Senate and House Committee on Appropriations.

I hereby certify that the above concurrent resolution originated in the house, and passed that body February 4, 1909.

J. N. DOLLEY,  
Speaker of the House.  
W. T. BECK,  
Chief Clerk of the House.

Passed the senate February 17, 1909.

W. J. FITZGERALD,  
President of the Senate.  
Z. E. WYANT,  
Secretary of the Senate.

Approved February 23, 1909.

W. R. STUBBS, *Governor*.

STATE OF KANSAS,  
OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 24th day of February, 1909.

[SEAL.] C. E. DENTON,  
Secretary of State.

Mr. du PONT presented a petition of Industry Council, No. 25, Junior Order of United American Mechanics, of New Castle, Del., praying for the enactment of legislation to prohibit the immigration of Asiatics into the United States and the Territory of Hawaii, except merchants, students, and travelers, which was referred to the Committee on Immigration.

Mr. BRANDEGEE presented a petition of Local Lodge No. 899, Benevolent and Protective Order of Elks, of Stamford, Conn., and a petition of Local Lodge No. 360, Benevolent and Protective Order of Elks, of New London, Conn., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SMOOT presented a petition of sundry citizens of Salt Lake City, Utah, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. BURKETT presented a petition of Local Lodge No. 1049, Benevolent and Protective Order of Elks, of Nebraska City, Nebr., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Chadron, Comstock, Alma, Holbrook, Overton, Sutton, Wymore, Pawnee City, Verdon, Lincoln, O'Neill, and Plattsmouth, all in the State of Nebraska, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of Local Lodge No. 535, Benevolent and Protective Order of Elks, of White Plains, N. Y., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Greensburgh and Mt. Pleasant District Council, United Brotherhood of Carpenters and Joiners of America, of Irvington, N. Y., praying for the passage of the so-called "children's bureau bill," which was ordered to lie on the table.

Mr. HALE presented a petition of the Society of Friends of Vassalboro, Me., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the First Methodist Episcopal Church of Bangor, of the congregation of the Baptist Church of Ellsworth, and of the Maine Branch, In-

ternational Order of the King's Daughters and Sons, of Brunswick, all in the State of Maine, praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

Mr. FRYE presented a memorial of the legislature of Maine, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

## STATE OF MAINE.

Whereas it has been the policy of this country from the beginning to maintain a small Regular Army, and in times of war to rely upon the patriotism of the people to rally as volunteers in defense of the national flag; and

Whereas it is a recognized fact that the civil war, 1861 to 1865, forms the most sanguinary chapter in the history of the world, that the Regular Army during that struggle was maintained at about 25,000 men, while the volunteers numbered more than 2,500,000 of officers and enlisted men; and

Whereas it is a recognized fact that the Union of these States was preserved and the national authority maintained by the patriotism, fortitude, and valor of the volunteers, to whom this great united people, now enjoying the inestimable blessing of a preserved Union, owe a debt of gratitude that can never be paid: Therefore

*Resolved, by the senate and house of representatives of the State of Maine,* That we request the Senators and Representatives of the Sixtieth Congress from the State of Maine to aid in the prompt enactment of a law in effect creating a volunteer retired list, upon which may be placed with retired pay, upon application, the surviving volunteer officers of the army, navy, and marine of the United States and noncommissioned officers and privates who served with credit during the civil war, such survivors now constituting a small remnant of that body of gallant men who led the Union forces to final victory.

*Resolved further,* That in our opinion the precedents of congressional legislation fully justify the enactment of this law, namely, the acts of 1822 and 1832, granting full pay during life to the surviving officers and enlisted men of the army, navy, and marine of the Revolution; the act of 1901, retiring Charles A. Boutelle, a volunteer officer of the Union Navy, with the rank and retired pay of a captain of the navy; the acts of 1904, 1906, and 1907, granting increased rank and retired pay to the officers of the Regular Army and Navy, based solely on the ground that they had served with credit during the civil war, and the act of 1905, providing for the retirement of two officers of volunteers, namely, Generals Joseph R. Hawley and P. J. Osterhaus, with the rank and pay of brigadier-general: Therefore it is further

*Resolved,* That in our opinion the bill now pending in Congress and reported favorably by the Committee on Military Affairs, by the provisions of which retired pay is to be given to officers and enlisted men alike who served in the Volunteer Army of the late civil war.

*Resolved,* That the secretary of state be instructed to forward a copy of these resolutions to each of the United States Senators from Maine and to each Member of the United States House of Representatives of Maine.

In senate, February 23, 1909: Adopted; sent down for concurrence.  
F. G. FARRINGTON, Secretary.

House of representatives, February 24, 1909: Adopted in concurrence.  
E. M. THOMPSON, Clerk.

A true copy of record.

Attest:  
[SEAL.]

A. I. BROWN,  
Secretary of State.

Mr. FRYE presented a petition of sundry citizens of Maine, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Augusta, Me., remonstrating against any curtailment of the powers conferred upon the Bureau of Chemistry, Department of Agriculture, in administering the pure-food law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the State Press Association, of Augusta, Me., remonstrating against the enactment of legislation denying to publishers of daily and weekly newspapers the right to send at the pound rate their publications to subscribers who may be in arrears of payment for more than three months or one year, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Press Association, of Augusta, Me., praying for the enactment of legislation permitting the publishers of newspapers to accept transportation from railroads in payment for advertising, which was referred to the Committee on Interstate Commerce.

Mr. DICK presented petitions of Local Lodges Nos. 390, 75, 1130, 1139, 973, 156, and 305, of Newark, Findlay, Marysville, Fostoria, Greenville, Athens, Bucyrus, and Salem, all of the Benevolent and Protective Order of Elks, in the State of Ohio, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Association of Credit Men of Toledo, Ohio, praying for the adoption of certain amendments to the present bankruptcy law, which was referred to the Committee on the Judiciary.

Mr. GAMBLE presented memorials of sundry citizens of South Dakota, remonstrating against the treatment accorded German-Russian immigrants by government officials upon their arrival at Ellis Island, N. Y., on account of their alleged suffering from trachoma, which were referred to the Committee on Immigration.

Mr. BRIGGS presented petitions of the Potteries Selling Company, of Trenton; of the American Oil and Supply Company, of the Newark Association of Credit Men, and of Albert C. Courter & Co., all of Newark, in the State of New Jersey; and of the L. E. Waterman Company, of New York City, N. Y., praying for the adoption of the so-called "Sherley amendment" to the present bankruptcy law, which were referred to the Committee on the Judiciary.

He also presented petitions of the Bureau of Associated Charities of Newark, of the Children's Aid and Protective Society of Orange, of the Child Labor Committee of East Orange, of the Woman's Club of Orange, and of the Thursday Morning Club, of Orange, all in the State of New Jersey, praying for the passage of the so-called "children's bureau" bill, which were ordered to lie on the table.

He also presented petitions of Local Lodges Nos. 1070, 434, 276, 848, 128, 733, 580, 996, 293, 885, 891, 60, and 784, of Lambertville, Bayonne, Atlantic City, Mount Holly, Asbury Park, Bridgeton, Millville, Burlington, Camden, Plainfield, Mount Clair, Paterson, and Perth Amboy, all of the Benevolent and Protective Order of Elks, in the State of New Jersey, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of sundry citizens of New Jersey, remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

Mr. FRAZIER presented a petition of the Retail Shoe Dealers' Association of Nashville, Tenn., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

He also presented a memorial of sundry business firms of Tennessee, remonstrating against the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Lodge No. 825, of Johnson City; of Local Lodge No. 712, of Dyersburg, all of the Benevolent and Protective Order of Elks; of the C. E. Baylor Company, of Morristown; and of the J. T. McTeer Clothing Company, of Knoxville, all in the State of Tennessee, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 11, twenty-fifth legislative assembly of the State of Oregon, adopted by the house February 19, 1909, and concurred in by the senate February 20, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Ore., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON, Secretary of State.

Joint memorial 11.

Whereas the bill in the United States Congress to acquire forest lands on the eastern Appalachian Mountains, in the States of New Hampshire and Maine at the north, and in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, and Kentucky at the south, had three times passed the United States Senate, was recommended in a special message once by President William McKinley, and twice by Theodore Roosevelt, has the unqualified approval of the President-elect, William H. Taft, and has now been recommended to the House of Representatives by a vote of 10 to 4 in the Committee on Agriculture; and

Whereas the governor of Massachusetts, Curtis Guild, Jr., has asked the governor and people of Oregon to lend their support to the passage of this measure at this session of Congress before it adjourns on March 4: Therefore be it

*Resolved by the senate and house of representatives of the State of Oregon,* That the passage of this measure by the Federal Government is approved; and be it further

*Resolved,* That the people of this State and the legislature thereof favor the appropriation of moneys by the Congress of the United States for acquiring title to and reforesting deforested areas whenever and wherever this policy may be necessary in any of the States of the

Union, and the governor is hereby requested to transmit copies of this resolution to members of the Oregon delegation in Congress.

Adopted by the house February 19, 1909.

C. N. McARTHUR,  
*Speaker of the House.*

Concurred in by the senate February 20, 1909.

JAY BOWERMAN,  
*President of the Senate.*

Indorsed: House joint memorial 11, W. F. Drager, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 2, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 22, 1909, and concurred in by the senate February 9, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Ore., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON,  
*Secretary of State.*

House joint memorial 2.

To the honorable Senate and House of  
Representatives of the United States of America:

Your memorialists, the legislative assembly of the State of Oregon, most respectfully represent that—

Whereas the grain growers of the Pacific coast are compelled to handle their grain in bags on account of the principal market for their product being in Europe, which necessitates the shipping of grain around by ocean, and the consequent use of bags for holding grain to prevent the shifting of the cargo; and

Whereas the grain producers of the Pacific coast are at a disadvantage on account of their great distance from market, as they are farthest away from the point of consumption of their product, and consequently pay a higher freight rate and receive a lower price for their product; and

Whereas the grain growers of the Pacific coast are further handicapped by the fact that they are forced, on account of high freight rates and their situation, to pay more for their machinery than is paid by grain producers in any other part of this country or by any of their competitors in any other part of the world; and

Whereas the duty on grain bags and on burlap cloth used in the manufacture of grain bags, wool bags, and for inclosing hop products affords substantially no protection to American labor and but small protection to American manufacture, and it will be impossible to ever build up a large industry in the manufacture of such articles, and we therefore believe as a protective measure it fails of its object, being more oppressive than protective, and a heavy tax on the industries on which the Pacific coast depend mainly for their prosperity, and as a means of producing revenue is unfair, as it falls as a burden on those already burdened by the high cost of producing grain and other products and the low price at which they must sell the same; Therefore

Your memorialists request your honorable body to remove the duty on burlap described by section 341 of the Dingley tariff, 1897, and admit the goods enumerated in that section into the United States free of duty, and to amend section 343 of the present Dingley tariff to read as follows: "Bags or sacks made from plain woven fabrics, of single jute yarn, not dyed, colored, stained, painted, printed, or bleached, and not exceeding 30 threads to the square inch, counting the warp and filling, one-half of 1 cent per pound." Be it

*Resolved by the legislative assembly,* That the secretary of state is hereby instructed to transmit a copy of this resolution to Hon. C. W. FULTON and Hon. JONATHAN BOURNE, United States Senators, and to Hon. W. R. ELLIS and Hon. W. C. HAWLEY, Representatives from Oregon, and respectfully request them to use their utmost endeavor to have the above-mentioned duties removed.

Passed the house January 22, 1909.

C. N. McARTHUR,  
*Speaker of the House.*

Passed the senate February 9, 1909.

JAY BOWERMAN,  
*President of the Senate.*

Indorsed: House joint memorial 2, W. F. Drager, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate joint memorial No. 5, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate February 3, 1909, and concurred in by the house February 12, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 19th day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Ore., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON,  
*Secretary of State.*

Senate joint memorial 5.

Whereas in this and many other States where prohibition or local option prevails liquor dealers residing in territory where prohibition

or local option do not prevail continually ship intoxicating liquors of all kinds into the territory in which prohibition or local option has been voted; and

Whereas such shipments have been held to constitute interstate commerce when the same are shipped from one State into another, the regulation of which is entirely within the power of Congress: Therefore be it

*Resolved by the senate of the State of Oregon (the house of representatives concurring),* That we hereby respectfully memorialize Congress to enact a law prohibiting shipments of intoxicating liquors from a State or Territory in which neither local option nor prohibition prevails into a State or Territory in which the same does prevail.

Concurred in by the house February 12, 1909.

C. N. McARTHUR, *Speaker.*

Adopted by the senate February 3, 1909.

JAY BOWERMAN, *President.*

Indorsed: Senate joint memorial 5, William H. Barry, chief clerk; filed February 19, 1909, F. W. Benson, secretary of state.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial 6, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate February 10, 1909, and concurred in by the house February 19, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Ore., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON, *Secretary of State.*

Senate joint memorial 6.

Whereas there is pending in the Congress of the United States a bill providing for instruction in forestry in the colleges of agriculture and mechanic arts, and for experiments in forestry in the agriculture experiment stations located in the different States, providing for an appropriation of \$2,500 per annum to each branch of these institutions located in the several States for such purpose; and

Whereas the protection and perpetuation of our forests is of vital importance, said industry being one of the most valuable to all our people and one which should be protected and encouraged in every possible way: Therefore be it

*Resolved by the senate and the house of representatives of the State of Oregon,* That it is the sense of the people of the State of Oregon that this bill should pass, and that our Representatives in Congress and in the Senate of the United States use all honorable means in assisting in its passage; and be it further

*Resolved,* That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States in Congress assembled and to each of our Representatives and United States Senators by the secretary of state.

Concurred in by the house February 19, 1909.

C. N. McARTHUR, *Speaker.*

Passed by the senate February 10, 1909.

JAY BOWERMAN, *President.*

Indorsed: Senate joint resolution 6, Wm. H. Barry, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 11, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate February 15, 1909, and concurred in by the house February 19, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Ore., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON,  
*Secretary of State.*

FEBRUARY 12, 1909.

To the honorable Senate and House of  
Representatives of the United States:

Your memorialists, the legislature of the State of Oregon, respectfully represent that, in common with the people of this Commonwealth, we appreciate and commend the efforts which the President of the United States has been and is making looking to the conservation of the natural resources of the country. The appointment of a National Conservation Commission and state commission to bring about cooperation on the part of the National Government and the several States, aside from having brought to the attention of the country the rapid depletion of its natural resources, is arousing a deep interest in the subject which is likely in the very near future to bring about active cooperation upon the part of the national and state governments for the preservation of those resources which have not been exhausted, and, as well, for the renewal of those which are capable of being renewed. As a part of this general scheme, the Inland Waterways Commission, appointed by the President, has been a factor in the conservation movement and, in our opinion, the Congress of the United States should make liberal appropriations to aid in the movement which the

President has inaugurated and which promises much for the future well-being, development, and enrichment of our country, for the perpetuation of our institutions, and the protection of generations yet unborn.

Therefore, we, the legislature of the State of Oregon, representing the people of the State, do respectfully memorialize Congress to make liberal appropriations to aid in the movement between the Nation and the States for the conservation of our natural resources, so that the work of the National Conservation Commission, assisted by the Inland Waterways Commission and the several state commissions, may not be delayed or hindered, but may continue uninterrupted in accordance with the policies outlined by the President of the United States and indorsed and commended by the President-elect.

Concurred in by the house February 19, 1909.

C. N. MCARTHUR, *Speaker.*

Adopted by the senate February 15, 1909.

JAY BOWERMAN, *President.*

Indorsed: Senate joint memorial 11, Wm. H. Marry, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

Mr. HEYBURN presented a joint memorial of the legislature of Idaho, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

(Certificate of certified copy.)

STATE OF IDAHO,  
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 6 by waterways and drainage committee, which was filed in this office the 19th day of February, A. D. 1909, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise city, the capital of Idaho, this 19th day of February, A. D. 1909.

[SEAL.]

ROBERT LANSDON,  
*Secretary of State.*

House joint memorial 6. By waterways and drainage committee.

To the honorable the Senate and the House of Representatives and the Rivers and Harbors Committee thereof in the United States of America in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent that—

Whereas the navigation of the Pend d'Oreille River is obstructed by a rocky gorge at Albany Falls, and

Whereas the elimination of said obstruction and construction of certain locks therein would extend navigation a distance of 200 miles, making an outlet and transportation facilities for the entire metaline country to the Pend d'Oreille Lake, and

Whereas said improvements would farther reclaim by drainage an area of 45,000 acres of rich soil, and would materially benefit the sanitary condition of the entire country: Therefore

We, your memorialists, earnestly pray that the necessary appropriations for said improvements be made at this session of Congress, and that said improvements be executed as rapidly as may be, and your memorialists will ever pray.

This house joint memorial No. 6 passed the house of representatives on the 27th day of January, 1909.

PAUL CLAGSTONE,  
*Speaker of the House of Representatives.*

This house joint memorial No. 6 passed the senate on the 5th day of February, 1909.

L. H. SWEETSER,  
*President of the Senate.*

I hereby certify that the within house joint memorial No. 6 originated in the house of representatives of the legislature of the State of Idaho during the tenth session.

JAMES H. WALLIS,  
*Chief Clerk of the House of Representatives.*

Mr. BORAH presented a joint memorial of the legislature of Idaho, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

(Certificate of certified copy.)

STATE OF IDAHO,  
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 6, by waterways and drainage committee, which was filed in this office the 19th day of February, A. D. 1909, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 19th day of February, A. D. 1909.

[SEAL.]

ROBERT LANSDON,  
*Secretary of State.*

House joint memorial 6. By waterways and drainage committee.

To the honorable the Senate and the House of Representatives and the Rivers and Harbors Committee thereof in the United States of America in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent that—

Whereas the navigation of the Pend Oreille River is obstructed by a rocky gorge at Albany Falls; and

Whereas the elimination of said obstruction and construction of certain locks therein would extend navigation a distance of 200 miles, making an outlet and transportation facilities for the entire Metaline country to the Pend Oreille Lake; and

Whereas said improvements would further reclaim by drainage an area of 45,000 acres of rich soil and would materially benefit the sanitary condition of the entire country: Therefore

We, your memorialists, earnestly pray that the necessary appropriations for said improvements be made at this session of Congress, and that said improvements be executed as rapidly as may be, and your memorialists will ever pray.

This house joint memorial No. 6 passed the house of representatives on the 27th day of January, 1909.

PAUL CLAGSTONE,  
*Speaker of the House of Representatives.*

This house joint memorial No. 6 passed the senate on the 5th day of February, 1909.

L. H. SWEETSER,  
*President of the Senate.*

I hereby certify that the within house joint memorial No. 6 originated in the house of representatives of the legislature of the State of Idaho during the tenth session.

JAMES H. WALLIS,  
*Chief Clerk of the House of Representatives.*

Mr. BORAH presented a joint memorial of the legislature of Idaho, which was ordered to lie on the table and be printed in the RECORD, as follows:

(Certificate of certified copy.)

STATE OF IDAHO,  
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 3, by Macbeth, to the honorable Senate of the United States of America, in Congress assembled, which was filed in this office the 16th day of February, A. D. 1909, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 16th day of February, A. D. 1909.

[SEAL.]

ROBERT LANSDON,  
*Secretary of State.*

Senate joint memorial 3. By Macbeth.

To the honorable Senate of the United States of America in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent that—

Whereas the mining industry we believe to be second in importance only to agriculture; and

Whereas one of the greatest things, in our judgment, to the credit of the United States Government is its cooperation through the Department of Agriculture with the American farmer; and

Whereas we believe a similar cooperation with the miner through a bureau of mines and mining would prove of great assistance to the mining industry; and

Whereas the frequent explosions and the terrible loss of life resulting therefrom, especially in the coal regions of this country, demand the assistance of this Government in discovering some method by which such shocking loss of life may be avoided; and

Whereas the terrible waste in our mining resources is taking place, which through proper assistance from the Federal Government could largely be avoided; and

Whereas we are reliably informed that a bill is now pending in the United States Senate for the creation of a bureau of mines and mining, and that such a bill has already passed the Lower House of Congress: Therefore be it

Resolved by the senate of the State of Idaho (the house of representatives concurring therein), That we most respectfully urge upon the United States Senate the importance of an early passage of such bill, and that a copy of this memorial be forwarded to the Secretary of the United States Senate and to our Senators by the secretary of state.

I hereby certify that the within senate joint memorial No. 3 originated in the Senate during the tenth session of the legislature of the State of Idaho.

F. A. SHAW,  
*Secretary of the Senate.*

The within senate joint memorial No. 3 passed the senate on the 5th day of February, 1909.

L. H. SWEETSER,  
*President of the Senate.*

The within Senate joint memorial No. 3 passed the house of representatives on the 13th day of February, 1909.

PAUL CLAGSTONE,  
*Speaker of the House of Representatives.*

Mr. BORAH presented a joint memorial of the legislature of Idaho, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

(Certificate of certified copy.)

STATE OF IDAHO,  
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of the house joint memorial No. 3, by Anderson, which was filed in this office the 22d day of January, A. D. 1909, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 22d day of January, A. D. 1909.

ROBERT LANSDON,  
*Secretary of State.*

House and joint memorial 3. By Anderson.

To the Congress of the United States:

Your memorialists, the legislature of the State of Idaho, do urgently request that your honorable body do before adjourning pass a general appropriation bill, making appropriations for continuing the improvements now being made on the Columbia and Snake rivers.

The secretary of state is hereby directed to forward a copy of this memorial to each of our Senators and Representatives in Congress.

This house joint memorial No. 3 passed the house of representatives on the — day —, 1909.

PAUL CLAGSTONE,  
*Speaker of the House of Representatives.*

This house joint memorial No. 3 passed the senate on the 13th day of January, 1909.

L. H. SWEETSER,  
*President of the Senate.*

I hereby certify that the within house joint memorial No. 3 originated in the house of representatives of the legislature of the State of Idaho during the tenth session.

JAMES H. WALLIS,  
Chief Clerk of the House of Representatives.

Mr. BORAH presented a joint memorial of the legislature of Idaho, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

House joint memorial. By Parsons.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent:

That the county of Idaho, in the State of Idaho, contains in total 7,213,490 acres of land, of which 911,165 are surveyed lands, and that the remaining acreage of the county of Idaho is absorbed by the national forest reserves, and contains 5,036,480 acres. That the rentals of and from these reserves in the year 1906 (the last report obtainable) amounted to but \$1,729.90.

That within the boundaries of these reserves there are not less than 25 mining camps, in more or less condition of real and bona fide stages of development, and that there is now in this county of Idaho not less than 20 stamp mills of from 2 to 30 stamps capacity.

That from the eastern terminus of the Clearwater branch of the Northern Pacific Railroad, at the town Stites, Idaho, in the county of Idaho, to the mining camps of Newsome, Elk City, Dixie, Oro Grande, Buffalo Hump, and Concord there is but one wagon road to the camps above mentioned, and that this wagon road passes over three heavily timbered mountain ranges of high elevation, and that said wagon road is at times almost and at other times wholly impassable for the mail, passenger, and freight traffic, to which use it was intended to serve, and that the conditions as above described prevail for long periods of time in the seasons of fall, winter, and spring, thereby causing great delay in the transporting of mail, passengers, and freight, and keeping up the cost of production, of living, and for freight rates, retarding the progress of that part of the county of Idaho to such an extent as to almost prohibit development along any lines of investment.

That during the first eleven months of the year 1908 Idaho County produced \$110,389.91 in metal value, practically all gold, the above-mentioned camps having produced the greater portion of the total.

That a good wagon road to the within-mentioned camps from the city of Grangeville, the county seat of Idaho County, and now the terminus of the Lapwai branch of the Northern Pacific Railroad, would be of inestimable value to not alone the mining, but the agriculture, grazing, timber, and postal service as well.

That a wagon road could be constructed on practically a water grade and avoiding the high ranges and the heavy timbered and snow-covered route, as is now the only manner of reaching the camps herein mentioned, if the following-described route be considered, viz:

Commencing at Grangeville, thence in an easterly direction by way of Mount Idaho, the Dewey mine, and "The Cove," to the South Fork of Clearwater River; thence up the said South Fork of the Clearwater River to Fourmile Creek; thence diverging into two branches, one of which would extend on up the South Fork of the Clearwater River to the Elk Basin via the American River grade, and the other branch would extend on up the Fourmile Creek to the mining camps of Oro Grande, Buffalo Hump, and Dixie, thereby opening up a vast scope of country, not now available, to postal routes or for grazing or agriculture and mining purposes.

That the distance and the time essence of the interests involved would be greatly lessened by the above route, and the Nation, State, and county would be benefited to an extent beyond any practical doubt of the project.

That the distance covering the proposed route would be 75 miles, and that a reasonable estimate of the cost to construct said wagon road, as contemplated, would be not more than \$75,000, and that this expenditure would be the means of opening up one of the most promising resources of wealth in the northwestern part of the United States of America.

And your memorialists further represent, that said county of Idaho is compelled to exercise police power and maintain criminal jurisdiction over the immense national forest reserves of 5,036,480 acres, being larger in extent than the combined States of Rhode Island, Delaware, and Connecticut; and the only revenue that said Idaho County receives from the Forest Reserve Department is 10 per cent of the rentals of said reserve lands, which is not sufficient to cover the cost of a single criminal case originating in the above-mentioned reserves.

We therefore pray that the sum of \$75,000 may be appropriated by the honorable House of Representatives and the Senate of the United States for the surveying, construction, and building of a wagon road, as herein set forth, and that there may be provided a suitable commission or board, by appointment, to superintend such construction and building of said wagon road.

That the secretary of state is hereby directed to forward to the Senate, the House of Representatives of the United States, and to our Representatives in Congress copies of this memorial.

Mr. McCREARY presented a paper to accompany the bill (S. 9322) for the relief of the estate of James O. Harrison, deceased, which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 9323) for the relief of William H. Nolcini, which was referred to the Committee on Claims.

Mr. BURKETT presented a memorial of the legislature of Nebraska, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

Hon. ELMER J. BURKETT,  
Washington, D. C.

DEAR SIR: I have the honor to transmit to you herewith a copy of house roll No. 79, a joint and concurrent resolution passed by the legislature of the State of Nebraska, thirty-first session, as follows:

Respectfully submitted.

FREMNER CONE, Chief Clerk.  
C. W. POOL, Speaker.

Be it enacted by the legislature of the State of Nebraska:

SECTION 1. That the legislature of the State of Nebraska hereby memorializes and most respectfully requests the Congress of the United States to cause to be erected at its earliest convenience, on the top of the federal building in Lincoln, Nebr., a large clock with four dials, said clock to strike the hour and also the half hour.

SEC. 2. That the chief clerk of the house be instructed to send certified copies of this resolution to the Senators and Representatives of this State in the Congress of the United States at Washington.

Mr. GAMBLE presented a joint resolution of the legislature of South Dakota, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,  
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, State of South Dakota:

I, Samuel C. Polley, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 17, as passed by the legislature of 1909 of the State of South Dakota, with all the indorsements thereon and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre, this 25th day of February, 1909.

[SEAL] SAMUEL C. POLLEY,  
Secretary of State.

House joint resolution memorializing Congress to maintain and increase the tariff upon wool.

Be it enacted by the house of representatives of the State of South Dakota (the senate concurring):

Whereas foreign competition in the wool market is so strong that the price of wool in the United States is frequently reduced below the price of production and a great and profitable industry is crippled thereby; and

Whereas it is with proper protection perfectly possible for the farmers of the United States to not only supply the entire American demand for wool, but to, as well, produce large quantities for exportation: Therefore

Resolved, That the legislature of the State of South Dakota hereby petitions the Congress of the United States to maintain the tariff upon wool in the revision of the tariff schedules now in contemplation.

I hereby certify that the within act originated in the house and was known in the house files as "house joint resolution No. 17."

JAMES W. CONE, Chief Clerk.

STATE OF SOUTH DAKOTA, Office of Secretary of State, ss:

Filed February 23, 1909, at 5.15 o'clock p. m.

SAMUEL C. POLLEY,  
Secretary of State.

A joint resolution memorializing Congress to maintain and increase the tariff upon wool.

M. J. CHANEY,  
Speaker of the House.

Attest:  
JAMES W. CONE, Chief Clerk.

HOWARD C. SHOBER,  
President of the Senate.

Attest:  
L. M. SIMONS, Secretary of the Senate.

Mr. STONE presented sundry affidavits to accompany the bill (S. 8983) for the relief of the estate of Joseph Kulage, deceased, which were referred to the Committee on Claims.

#### REPORTS OF COMMITTEES.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 12712) for the relief of the estate of Samuel J. Rogers, reported it without amendment.

Mr. SMOOT, from the Committee on Patents, to whom was referred the bill (S. 9440) to amend and consolidate the acts respecting copyright, reported it without amendment and submitted a report (S. Rept. No. 1108) thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 2950) for the relief of certain officers of the U. S. Signal Corps, reported it without amendment and submitted a report (S. Rept. No. 1107) thereon.

#### HEARING BEFORE COMMITTEE ON CLAIMS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 301, submitted by Mr. FULTON on the 26th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the stenographer employed to report the hearing before a subcommittee of the Committee on Claims, February 16, 1909, be paid from the contingent fund of the Senate, and that the hearing be printed.

#### HEARINGS BEFORE COMMITTEE ON TERRITORIES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 309, submitted by Mr. BEVERIDGE on the 27th ultimo, reported it without amendment, and it was read, as follows:

Resolved, That the Committee on Territories, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths, employ a stenographer, and to report such hearings as may be had in connection with any subject which may be pending before said committee, and have said hearings printed for the use of the committee; that the committee may sit during session of the Senate; and that the expenses thereof be paid out of the contingent fund of the Senate.

Mr. KEAN. I ask unanimous consent for the present consideration of the resolution.

Mr. OWEN. Mr. President, I wish to object to the resolution. The VICE-PRESIDENT. The Senator from Oklahoma objects to the present consideration of the resolution. It will go to the calendar.

CROW RESERVATION, MONTANA.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 298, submitted by Mr. CLAPP on the 25th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved.* That the Committee on Indian Affairs, by subcommittee or otherwise, be, and it is hereby, authorized to investigate the affairs of the Crow Reservation, in the State of Montana. Said committee is authorized to send for persons and papers, to administer oaths, and to sit during the session of Congress or during recess, at Washington or elsewhere, and to have the testimony taken printed, the expense of such investigation to be paid out of the contingent fund of the Senate.

PUBLIC BUILDINGS.

Mr. SCOTT. I ask unanimous consent to call up the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

Mr. SCOTT. I ask that the formal reading of the bill be dispensed with and that it be read for action on the committee amendments.

The VICE-PRESIDENT. The Senator from West Virginia asks that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment was, on page 2, line 6, after the word "otherwise," to strike out the proviso, in the following words:

*Provided,* That the limit of cost heretofore fixed shall not be exceeded in the acquisition of such site and the erection of a suitable building thereon.

The amendment was agreed to.

The next amendment was, on page 3, to strike out section 7, in the following words:

SEC. 7. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to apply not to exceed \$7,000, or so much thereof as may be necessary, of the amount heretofore authorized for the erection of a suitable building for the accommodation of the United States post-office at West Point, Miss., for the acquisition of a suitable site, in addition to the \$5,000 heretofore authorized for the acquisition of a site.

The amendment was agreed to.

The next amendment was, on page 4, section 10, line 15, after the word "authorize," to strike out:

The Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site for a new custom-house building at Boston, Mass., at not to exceed \$500,000, or, in his discretion, to cause plans to be prepared for the enlargement, remodeling, or extension of the present custom-house building in said city; and for this purpose he is hereby authorized and empowered to select and employ a special architect for the purpose and to compensate him for his services on the basis of the schedule of the American Institute of Architects; and so much of the appropriation heretofore made for the acquisition of a new site as may be necessary is hereby made available for that purpose.

And in lieu thereof to insert:

And direct the Secretary of the Treasury to cause plans to be prepared for the enlargement, remodeling, or extension of the present custom-house building in said city, for which purpose he is hereby authorized and empowered to select and employ a special architect and to compensate him for his services on the basis of the schedule of the American Institute of Architects; and the said section 5 is hereby further amended so as to authorize and direct the Secretary of the Treasury to proceed with the enlargement, remodeling, or extension of the said custom-house building in accordance with such other suitable plans; and the \$500,000 heretofore appropriated for the purchase of a site is hereby made available for said enlargement, remodeling, or extension: *Provided,* That the total cost of said enlargement, remodeling, or extension of said custom-house building shall not exceed \$1,800,000, including expenses incident to the temporary removal of the force employed in the custom-house during the enlargement, remodeling, or extension.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to insert as an additional section the following:

SEC. 15. That the item contained in section 5 of the act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved May 30, 1908, for "United States post-office at Washington, D. C., \$500,000," be, and

the same is hereby, amended so as to add to the same the following provision:

That if any balance remains within said limit after acquiring the site herein authorized, the Secretary of the Treasury be, and he is hereby, authorized to expend the same in the preparation of the necessary plans.

Mr. GORE. Is the bill being considered by unanimous consent?

The VICE-PRESIDENT. It is being considered by unanimous consent.

Mr. GORE. I desire to object to its further consideration.

Mr. LODGE and others. Too late!

The VICE-PRESIDENT. It is too late for an objection to stop the consideration of the bill.

Mr. GORE. I wish to have a little time for the consideration of an amendment I have heretofore offered. I desire to explain it to the Senate.

Mr. LODGE. The bill will be open to amendment after the committee amendments have been disposed of.

The VICE-PRESIDENT. The bill is before the Senate for consideration, and the question is on agreeing to the last amendment reported by the committee.

The amendment was agreed to.

The VICE-PRESIDENT. Are there further committee amendments?

Mr. SCOTT. There are no further committee amendments.

The VICE-PRESIDENT. The bill is as in Committee of the Whole and open to amendment.

Mr. LODGE. I offer the following amendment, to which I do not think the chairman of the committee will have any objection.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 2, after the word "Massachusetts," it is proposed to add:

And in his discretion may purchase a site at Plymouth, Mass., at a cost in excess of the limit heretofore fixed for such site: *Provided,* That the limit of cost for both site and building shall not exceed \$87,000, heretofore fixed as the total limit of cost.

Mr. SCOTT. There were a number of amendments before the committee providing that a part of the appropriation that had been authorized for buildings should be transferred to the purchase of sites. The full committee turned all those amendments down. This amendment is worded a little differently, because it provides that the total cost shall not exceed the amount of the authorization, as I understand it.

Mr. LODGE. Absolutely. It is not intended to increase it at all. It is only intended to give a little more to the site and a little less to the building.

The amendment was agreed to.

Mr. GORE. I desire to offer the amendment which I submitted a few days ago and which was referred to the Committee on Public Buildings and Grounds.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment, which will be read by the Secretary.

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a federal building in the city of Lawton, Okla., and he is authorized to expend for such purpose the proceeds arising from the sale of lots 31 and 32 of block 41 of the official plat of the city of Lawton, Okla., as provided for by section 33 of the so-called "public building act," approved May 30, 1908.

And the Secretary of the Treasury is further authorized and directed to use any additional amount that may be necessary arising from the sale of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in Oklahoma, which said proceeds were set apart for the construction of a federal building in Lawton by section 30 of an act entitled "An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands, under any law now existing or hereafter enacted, and for other purposes," approved May 29, 1908: *Provided, however,* That the cost of the site shall not exceed \$30,000.

Mr. KEAN. I should like to ask the Senator from West Virginia if the bill authorizes the construction of any new buildings anywhere.

Mr. SCOTT. None at all, and no appropriation of money.

Mr. GORE. Mr. President, I should like to submit a word in explanation of the amendment.

The half section referred to in the amendment adjoins my home town on the north. It was public land, and a measure was passed at the last session providing for its platting and sale as a part of the town site. Twenty per cent of the proceeds were set apart for the erection of a federal building in the city of Lawton. The sale has been had, and \$56,000, the 20 per cent of the proceeds, is now available for the construction of this building.

By section 30 of the public-buildings act of the last session it was provided that the two lots referred to in the amendment and owned by the Government of the United States, but not

adapted for the location of a federal building, should be sold and the proceeds applied to the purchase of another site for a federal building. The public-buildings act passed at the last session by an amendment offered by myself provided that the proceeds arising from this sale of lots should be applied to the purchase or condemnation of another site "as herein provided by law." But somehow it happened that the wording was changed so as to read "as may hereafter be provided by law;" so that we now have the \$56,000 in cash available for the building, we have the authority already to sell the lots referred to in this amendment, and authority to invest it in the purchase of another site "as may hereafter be provided by law," whereas it should have been "as herein provided by law." It was simply a clerical error of some sort.

The object of this amendment is to straighten out that mistake and authorize a reinvestment from the sale which has already been provided by law, which it was intended to provide for, so that the building can go on without the delay of a year or two in its construction. It is simply to correct an oversight that occurred between the word "herein" and the word "hereafter" in the legislation of the last session.

Mr. SCOTT. Mr. President, the object of this small bill from the House is apparent on its face; and the object the Committee on Public Buildings and Grounds had was to keep it as nearly as it came from the House as possible without appropriating a dollar or adding to the cost of sites. There was a disposition to take from money that had been appropriated for public buildings a portion of the money and add to the pay for sites. Your committee fully realized that if that was done, at the next Congress there would be a bill authorizing an additional sum for the erection of the buildings. Therefore we held the bill down without allowing a dollar of appropriation to go in, and cut off all such amendments.

I hope the Senator from Oklahoma will not press this amendment, because if he does there are dozens of Senators here, I know, who will want to get in similar amendments to the bill, and it will simply result in the defeat of the entire bill, as I have been assured from the House that if we amend it in any material way different from the design of the House committee they will not consider it.

Mr. GORE. Mr. President, I am anxious to respect the wish of the Senator from West Virginia as well as that of the committee, but I do not believe that any Senator here would object to this change, because it was purely an oversight in the drafting of the measure at the last session. It does not provide for the appropriation of a single dollar. On the contrary, the money is already on hand, and orders have been issued by the Secretary of the Treasury for the sale of the lots referred to in the amendment.

Mr. McCUMBER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. GORE. Certainly.

Mr. McCUMBER. Just for a question. I wish to ask the Senator from Oklahoma if, under the provisions of his amendment, a certain portion of the sum which has heretofore been appropriated for the building is not allowed to be used for a site, and if therefore we would not hereafter have to appropriate enough more for the building to make up the difference?

Mr. GORE. I do not think that is true. The limit of the building was fixed at \$100,000 last year. The cash now received from the sale of the half section is \$56,000. The amendment does provide for the application of a portion of the sum to the purchase of a site, if necessary, but I will ask leave to strike out that portion of the amendment rather than have it defeated. It occurred to me that probably the proceeds from the sale of the lots already provided for would not be sufficient, but I would rather take that risk than have it fail, because it would go over for a year, while the money is on hand and orders have already been issued by the Secretary of the Treasury for the sale of these lots.

Mr. McCUMBER. Will not the Senator agree to so modify his amendment that the entire amount appropriated last year for the building and site shall not be in excess of the amount fixed by reason of this amendment, so that it shall be within the amount appropriated last year?

Mr. SCOTT. Not to exceed that sum.

Mr. McCUMBER. Not to exceed \$100,000.

Mr. GORE. Of course, the proceeds of the lots are additional.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oklahoma.

The amendment was rejected.

Mr. OWEN. I move to strike out the proviso on page 2, section 2, beginning with the word "provided," in line 6, and to insert:

And the sum of \$75,000 is hereby appropriated for such purpose.

Mr. SCOTT. I hope that amendment will not be agreed to.

Mr. ALDRICH. We will vote it down.

Mr. OWEN. Mr. President, I wish to call the attention of the Senate to the fact that the bill last year made no provision for the purchase of a site at Muskogee, which is the most important city in eastern Oklahoma. It will cost at least \$75,000 to get a decent site for the building, and the amount originally proposed for the construction of the building ought not to be diminished over what was fixed as the standard last year.

Of course I appreciate the fact that it is not desirable to increase the appropriation, but the Senate has already appropriated the money for the building.

Mr. BEVERIDGE. How much was appropriated?

Mr. OWEN. Two hundred thousand dollars.

Mr. BEVERIDGE. And there is no site?

Mr. OWEN. And there is no site. Now it is proposed to take away from that \$200,000, \$75,000 for the purchase of a site.

Mr. BEVERIDGE. I am in hearty sympathy with the Senator.

Mr. OWEN. It is my own town, and I think it is only reasonable, since Congress has made a proper appropriation for the building, that the appropriation should not be diminished for the purpose of covering the site, but, as a matter of good logic and good government, a permanent site ought to be provided, and a sufficient sum of money should be appropriated to carry out the intention of Congress heretofore shown in the public-buildings act of last year.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Indiana?

Mr. BEVERIDGE. I will not ask the Senator to yield.

Mr. SCOTT. I am in charge of the bill, but if the Senator wants to take the floor—

Mr. BEVERIDGE. I understand. I merely wanted to support this amendment; that is all. If the Senator wishes first to reply to the Senator from Oklahoma, I will defer. I was going to say only two or three sentences, but I will wait until the Senator gets through.

Mr. SCOTT. I am sure the Senator from Oklahoma does not want to put this amendment on the bill, with the assurance that it will absolutely defeat the bill and we will have no bill at all. I can say that to him, I think, as positively as a man can state anything without its being absolute. Members of the House have told me, the chairman of the committee of the House has told me, that if we carry any appropriation in the bill at all they would not consider it. The Senator from Oklahoma has his remedy at the next session in getting a bill through covering an additional appropriation for the site, but I ask him not to put it on this bill and defeat it.

Mr. OWEN. In view of the statement of the chairman of the committee I will withdraw the amendment, and rely upon the committee to make proper provision for the site at the next session of Congress.

Mr. SCOTT. I am much obliged to the Senator.

The VICE-PRESIDENT. The Senator from Oklahoma withdraws his amendment.

Mr. WETMORE. On page 3, after line 2, I move to insert after the amendment already agreed to at that place a new section in the following words:

SEC. —. That the Secretary of the Treasury may, in his discretion, disregard the provision requiring sites to be bounded upon at least two sides by streets in so far as the same shall apply to the village of Penn Yan, N. Y.

Mr. SCOTT. The committee will accept that amendment.

The amendment was agreed to.

Mr. HEYBURN. After section 3, on page 2, I move to insert:

SEC. 4: That out of the money heretofore appropriated for public buildings at Boise, Idaho, so much thereof as may be necessary to purchase additional grounds may be used for that purpose: *Provided*, That such action shall not increase the appropriation for buildings and grounds.

Mr. SCOTT. The committee will accept that amendment.

The amendment was agreed to.

Mr. GORE. I desire to submit the amendment I offered a while ago in a shape to conform to the suggestion of the Senator from North Dakota, omitting all that occurs after the words "the official plat of the city of Lawton." Then that merely straightens out the difficulty that resulted from the mistake in the previous legislation.

Mr. SCOTT. That is to insert no additional cost.

Mr. LODGE. I suggest to frame it like the Plymouth amendment.

Mr. SCOTT. Frame it like the Plymouth amendment.

The VICE-PRESIDENT. The Secretary will read the amendment as modified.

The SECRETARY. It is proposed to add to the bill the following as an additional section:

SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a federal building in the city of Lawton, Okla., and he is authorized to expend for such purpose the proceeds arising from the sale of lots 31 and 32 of block 41 of the official plat of the city of Lawton, Okla., as provided for by section 33 of the so-called public building act approved May 30, 1908: *Provided*, That the limit of cost for both site and building shall not exceed \$100,000, in addition to the proceeds arising from the sale of the lots herein designated.

Mr. SCOTT. I will accept that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### PAYMENT OF PENSIONS.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 28285) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, to report it favorably without amendment, and I submit a report (S. Rept. No. 1105) thereon. Under the exigencies of the case I will ask unanimous consent for the immediate consideration of the bill.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McCUMBER. I ask unanimous consent, as a portion of the morning business, that we consider the unobjected pension bills upon the Calendar. I make this request because they are quite long and unless we get them out of the way it will be impossible to engross and enroll them in time for signature. It will not take more than ten or fifteen minutes to dispose of them.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of the unobjected pension bills on the Calendar. Is there objection?

Mr. GORE. I desire to submit some morning business.

The VICE-PRESIDENT. Does the Senator from Oklahoma object to the request of the Senator from North Dakota?

Mr. GORE. I should like to submit some formal morning business first.

The VICE-PRESIDENT. The Senator from Oklahoma objects.

#### DONATION OF CONDEMNED CANNON, ETC.

Mr. LODGE. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 28304) granting certain obsolete ordnance for ornamental purposes, to report it favorably with amendments.

I should like the attention of the Senate for a moment that I may explain what the bill is. There have been many bills passed by the Senate giving cannon for soldiers' monuments. The House has consolidated all those and some of their own in one bill, to which the Senate committee has added a few more, and I ask for the present consideration of the bill because it is the only way of disposing of all these bills, in which many States and many localities are interested.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment was, in section 4, page 2, line 11, after the word "to," where it first occurs, to strike out the word "furnish" and insert "donate;" and in line 12, after the words "South Carolina," to strike out "two" and insert "four," so as to make the section read:

SEC. 4. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of South Carolina four condemned brass or bronze "Napoleon" guns, with carriages and with a suitable outfit of cannon balls, which may not be needed in the service, to be placed on statehouse grounds: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The amendment was agreed to.

The next amendment was, in section 16, page 6, line 16, after the word "carriages," to insert "and with a suitable outfit of cannon balls," so as to make the section read:

SEC. 16. That the Secretary of War be, and he is hereby, authorized and directed to donate to the county of Warrick, in the State of Indiana, four condemned bronze fieldpieces, with their carriages and with a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed in the park surrounding the county court-house in the city of Boonville, Ind.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The amendment was agreed to.

The next amendment was, in section 17, page 7, line 1, after the word "carriages," to insert "and with a suitable outfit of cannon balls," so as to make the section read:

SEC. 17. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Florida two condemned bronze fieldpieces, with their carriages and with a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed on the state capitol grounds in the city of Tallahassee: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The amendment was agreed to.

The next amendment was, in section 19, page 7, line 16, after the word "carriage," to insert "and with a suitable outfit of cannon balls," so as to make the section read:

SEC. 19. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Delaware a condemned bronze fieldpiece, with its carriage and with a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed in the park facing the state capitol at Dover, Del.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The amendment was agreed to.

The next amendment was, in section 25, page 9, line 13, after the word "to," where it occurs the first time, to strike out the word "deliver" and insert "donate;" in line 13, after the word "Massachusetts," to strike out "two" and insert "four;" and in the same line, after the word "cannon," to insert "with their carriages," so as to make the section read:

SEC. 25. That the Secretary of War is hereby authorized and directed to donate to the mayor of Somerville, Mass., four condemned bronze or brass cannon, with their carriages, to be placed at a soldiers' monument in that city: *Provided*, That the Government shall be at no expense in connection with this gift.

The amendment was agreed to.

The next amendment was, in section 26, page 9, line 21, after the word "carriages," to insert "and a suitable outfit of cannon balls," so as to make the section read:

SEC. 26. That the Secretary of War be, and he is hereby, authorized and directed to donate to the county court of Mercer County, W. Va., two condemned bronze fieldpieces, with their carriages and a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be used in the park surrounding the court-house, in the town of Princeton, W. Va.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The amendment was agreed to.

The next amendment was, in section 32, page 11, line 20, after the word "cannons," to insert "with their carriages and a suitable outfit of cannon balls," so as to make the section read:

SEC. 32. That the Secretary of War be, and is hereby, authorized to donate to the town of Jasper, Ind., two condemned brass or bronze cannons, with their carriages and a suitable outfit of cannon balls, for the soldiers' monument of Jasper, Ind.: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The next amendments were to insert the following as additional sections:

SEC. 34. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Mannington, in the State of West Virginia, one condemned bronze fieldpiece, with its carriage, which may be available and may not be needed in the service: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 35. That the Secretary of War be, and he is hereby, authorized to donate to the Winfield Scott Monument Association, of Elizabeth, N. J., if the same can be done without detriment to the public service, two condemned bronze fieldpieces, with their carriages, in connection with an equestrian statue to be erected to the memory of the late Lieut. Gen. Winfield Scott, U. S. Army.

SEC. 36. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Nebraska two condemned bronze fieldpieces, with their carriages and a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed on the state capitol grounds in the city of Lincoln: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 37. That the Secretary of War is hereby authorized and directed to deliver to the governor of the State of Michigan four bronze or brass condemned cannon, with their carriages and a suitable outfit of cannon balls, in ornamentation of a life-sized statue to be erected to the memory of Gen. George A. Custer, late of the United States Army: *Provided*, That the Government shall be at no expense in connection with this gift.

SEC. 38. That the governor of the State of Michigan be granted, on behalf of the State of Michigan, permission to use all that part or residue of the bronze or brass condemned cannon granted the said State of

Michigan by joint resolution of Congress, approved June 23, 1906, to be used to make a life-size statue of Stevens T. Mason, late governor of that State, for the purpose of making statuette facsimiles of said statue, or for other purposes: *Provided*, That the Government shall be at no expense in connection therewith.

SEC. 39. That the Secretary of War be, and he is hereby, authorized and directed to donate to the Chaffee Light Artillery Veterans' Association, of Denver, Colo., the two light 12-pounder guns of obsolete pattern, together with the carriages, limbers, implements, and equipments accompanying the same, now in the possession of the said organization: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 40. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Louisiana two condemned bronze fieldpieces, with their carriages and a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed on the statehouse grounds in the city of Baton Rouge: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 41. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of New Orleans, in the State of Louisiana, two condemned bronze fieldpieces, with their carriages and a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed in Lafayette square fronting the city hall: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 42. That the Secretary of War be, and he is hereby, authorized and directed to donate to the town of Greenville, in the State of Maine, one condemned bronze fieldpiece, with its carriage and a suitable outfit of cannon balls, which may be available and may not be needed in the service, to be placed in the unorganized tract of land of Kineo, Me., on the east shore of Moosehead Lake, on the lawn in front of the yacht clubhouse: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 43. That the Secretary of War be, and he is hereby, authorized and directed to donate to the board of supervisors of the county of Campbell, in the State of Virginia, two condemned bronze or brass fieldpieces, with carriages, cannon balls having been already donated by the United States to be placed in the yard of the county courthouse: *Provided*, That no expense shall be incurred by the United States in the transportation or delivery thereof.

SEC. 44. That the Secretary of War be, and he is hereby, authorized and directed to donate to the board of supervisors of the county of Fluvanna, State of Virginia, two condemned bronze fieldpieces, with carriages, and with a suitable outfit of cannon balls, the same to be placed on the monument lot at Palmyra, the seat of said county, beside the monument located on said lot: *Provided*, That no expense shall be incurred by the United States in delivering the same.

SEC. 45. That the Secretary of War be, and he is hereby, authorized and directed to donate to the board of supervisors of the county of Albemarle, State of Virginia, two condemned bronze or brass fieldpieces, with carriage, and with a suitable outfit of cannon balls which may not be needed in the service, the same to be placed on the courthouse lawn in Charlottesville, Albemarle County, Va., beside the monument to be erected there: *Provided*, That no expense shall be incurred by the United States in delivering the same.

The amendments were agreed to.

The next amendment was, in section 47, page 12, line 13, after the word "cannon," to insert "and their accessories," and in line 14, after the word "of," to insert "for such purposes," so as to make the section read:

SEC. 47. That the Chief of Ordnance is hereby authorized to sell, without advertisement, for public parks, public buildings, and soldiers' monuments purposes surplus obsolete brass or bronze cannon, carriages, and cannon balls at such prices as he may deem reasonable and just: *Provided*, That hereafter obsolete brass or bronze cannon and their accessories shall not be disposed of for such purposes except as provided for in this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 58 and 59.

EUGENE HALE,  
GEORGE C. PERKINS,  
B. R. TILLMAN,  
*Managers on the part of the Senate.*  
GEORGE E. FOSS,  
HENRY C. LOUDENSLAGER,  
LEMUEL P. PADGETT,  
*Managers on the part of the House.*

The report was agreed to.

Mr. HALE. That disposes of the naval appropriation bill.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. Mr. President, I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, to report it with amendments (S. Rept. 1106).

I want to call the attention of the Senate to the fact that this is a very great bill with a great many subjects upon it and involving the expenditure of a great deal of money. The Senate did not receive it until Saturday. The subcommittee and the full committee have been at work upon it ever since, and they have done the best under the conditions that is believed possible. There are a great many new amendments suggested by the committee and a great many provisions have been stricken out. There is not time for Senators, nor has there been for the committee, to make any extensive examination or survey into many of the provisions of the bill, and the committee is, I may say, at the mercy or the discretion of the Senate.

I have already notified the Government Printing Office to hurry the bill as reported by the committee with the amendments, and later in the afternoon, if we get it in time, I may ask the Senate to begin its consideration; but I am clearly of the opinion that to complete it the Senate must submit to the inconvenience of a night session. We have had but one heretofore, and have been most fortunate. Owing to the general feeling of Senators and their forbearance, we have made great progress; but we can not get this bill and the remaining bills through without perhaps a night session each night. I was going to say, in order that Senators may be prepared, that later I shall ask the Senate to take a recess, say from half-past 5 o'clock to 8 o'clock, for the consideration of this appropriation bill.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. Yes; certainly.

Mr. LA FOLLETTE. I wanted to inquire of the Senator from Maine if the bill would be placed upon the desks of Senators, with the report, as soon as it is printed?

Mr. HALE. I have requested that as soon as the bill is sent up a copy of it be placed on the desk of each Senator, in order to facilitate whatever examination we can make, and I shall be glad if Senators will make such examination—I know the Senator from Wisconsin will.

I think the Senate appreciates the condition we are in. We are doing the best we can under the circumstances. I hope that hereafter we shall get bills sent over from the other House earlier; but we have now to adapt ourselves to the situation. The suggestion of the Senator from Wisconsin has practically already been complied with. As I have stated, I have requested that a copy of the bill be furnished each Senator.

#### HALL OF THE HOUSE OF REPRESENTATIVES.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 265) to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes, which was read twice by its title.

Mr. WETMORE. I ask unanimous consent for the present consideration of the joint resolution the title of which has just been stated.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. WETMORE. I desire to offer some amendments of a merely formal character to the joint resolution. I send them to the desk, and I should like to have them stated.

The VICE-PRESIDENT. The first amendment proposed by the Senator from Rhode Island will be stated.

The SECRETARY. On page 1, line 10, after the word "and," it is proposed to strike out "nineteen" and insert "twenty-nine." The amendment was agreed to.

Mr. BAILEY. Do I understand that these are amendments to the joint resolution which the Secretary has just read?

The VICE-PRESIDENT. They are amendments proposed to the joint resolution.

Mr. WETMORE. They are simply clerical.

Mr. BAILEY. I was going to suggest that I thought it was hardly competent for us to say what the House should do with its Hall; but if these are mere clerical amendments, I have no objection to them.

Mr. WETMORE. They are proposed at the request of the House.

The VICE-PRESIDENT. The Secretary will state the next amendment.

The SECRETARY. After the word "Congress," page 1, line 11, it is proposed to insert "passed by the House on May 12, 1908, calendar day of May 27, 1908."

The amendment was agreed to.

Mr. WETMORE. Mr. President, in connection with the joint resolution I should like to have the Secretary read the letter which I send to the desk.

The VICE-PRESIDENT. Does the Senator desire the letter read or inserted in the RECORD?

Mr. WETMORE. I should prefer to have it read, as it is quite short.

The VICE-PRESIDENT. The Senator from Rhode Island asks that the letter which he sends to the desk may be read. Without objection, the Secretary will read as requested.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,  
COMMITTEE ON THE LIBRARY,  
Washington, D. C., March 1, 1909.

Hon. GEORGE PEABODY WETMORE,  
Chairman Committee on the Library, United States Senate.

MY DEAR SENATOR WETMORE: Permit me to call to your attention House joint resolution 265, of which I inclose you a copy, which was passed by the House on Saturday.

It might be thought that the matter was under the jurisdiction of the House alone, but it seemed to me the structural changes were so important and the amount required so considerable that it should be by joint resolution, to be passed as a regular legislative enactment. I suppose, however, the comity of the situation would still make the wish of the House, upon the matter, if not decisive, at least of very great influence.

It is unnecessary for me to bring to your attention the enormous size of the Hall of the House, which is by far the largest legislative chamber in the world, making it very difficult for a Member even with a good voice to be heard. The reduction of the size of the Hall has been advocated for a good many years, and, conspicuously, by Speaker Reed. It was passed on Saturday by so decisive a vote that a division was not called for. The contemplated change, while much reducing the size of the Hall, will still leave it with a floor area in excess of 5,000 square feet, as compared with the floor area of the Senate Chamber of about 4,000 square feet. It allows for a considerable increase in the membership of the House. That is a matter for future Congresses, and reasonable provision should be made for the contingency that the number of Members may be increased. The Hall of the House would still be large enough to seat the two Houses in joint meeting.

I notice that in the resolution a mistake was made, referring to a resolution passed at the last session. I should appreciate it very much if you would bring the matter before the Senate to-day and ask for the passage of the resolution with the amendment, which I add below.

Sincerely, yours,

S. W. McCALL.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

#### BILLS INTRODUCED.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims;

A bill (S. 9502) for the relief of the estate of Moses Singleton, deceased;

A bill (S. 9503) for the relief of the estate of W. H. H. Thompson and Caroline Thompson, deceased;

A bill (S. 9504) for the relief of the estate of J. Howard Sheffer, deceased;

A bill (S. 9505) for the relief of Susan M. Stone, administrator of the estate of Mary H. S. Robertson, deceased; and

A bill (S. 9506) for the relief of the estate of Caleb Maratta, deceased (with the accompanying paper).

Mr. PAYNTER (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9507) for the relief of the estate of John M. Higgins, deceased (with the accompanying paper);

A bill (S. 9508) for the relief of George H. Galloway, administrator of the estate of Logan M. Dishman, deceased (with the accompanying paper);

A bill (S. 9509) for the relief of Ambrose D. Vallandigham (with the accompanying paper);

A bill (S. 9510) for the relief of the estate of W. C. Russell, deceased;

A bill (S. 9511) for the relief of the estate of Thomas Wallace, deceased; and

A bill (S. 9512) for the relief of the estate of John A. Erdman, deceased.

Mr. STONE introduced a bill (S. 9513) for the relief of the estate of George P. Dorris, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BAILEY (by request) introduced a bill (S. 9514) for the relief of Oliver P. Boyd, which was read twice by its title and referred to the Committee on Claims.

Mr. BURKETT. I introduce a bill, and ask that it, with the accompanying papers, be referred to the Committee on Education and Labor.

The bill (S. 9515) to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to equip their locomotives with safe and suitable boilers and appurtenances thereto, was read twice by its title.

Mr. KEAN. That bill should go to the Committee on Interstate Commerce.

Mr. BURKETT. It is a bill with reference to boiler inspection, and should go to the Committee on Education and Labor. It relates to a communication received from the Interstate Commerce Commission in response to a resolution of inquiry that I had passed the other day, as the Senator will recall, asking as to the number of enginemen killed by boiler explosions. It is a bill to provide for boiler inspection, and should go to the Committee on Education and Labor.

Mr. KEAN. Then the title of the bill is misleading.

Mr. BURKETT. The title may be misleading; but that is the object of the bill.

Mr. KEAN. If the bill relates to commerce, it should go either to the Committee on Commerce or to the Committee on Interstate Commerce.

The VICE-PRESIDENT. The Senator from Nebraska asks that the bill be referred to the Committee on Education and Labor. Without objection it is so ordered.

Mr. TAYLOR introduced a bill (S. 9516) for the relief of the estates of Thomas A. Elliott and Adaline Elliott, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 9517) providing for the construction of a bridge at Walmsleys Crossing, Taos County, N. Mex., which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 9518) providing for the construction of bridges across Red River, Taos County, N. Mex., and for other purposes, which was read twice by its title and referred to the Committee on Commerce.

Mr. FRAZIER introduced a bill (S. 9519) for the relief of the heirs of Turner Smith, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 9520) granting to the State of South Dakota a certain amount of land in lieu of a like amount of land heretofore granted to the State and subsequently appropriated by the United States for forest-reservation purposes, and for other purposes, which was read twice by its title and referred to the Committee on Public Lands.

Mr. TILLMAN introduced a bill (S. 9521) for the relief of the lawful heirs of George Henry Guerard, which was read twice by its title and referred to the Committee on Claims.

Mr. OWEN introduced a bill (S. 9522) for the relief of the Western Miami Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. McCUMBER introduced a bill (S. 9523) for the relief of certain government contractors, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 9524) for the relief of certain American citizens, which was read twice by its title and referred to the Committee on Claims.

Mr. CURTIS introduced a bill (S. 9525) for the relief of Daniel W. Boutwell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. DICK introduced a bill (S. 9526) to grant two cannon to the Ohio Northern University at Ada, Ohio, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BANKHEAD introduced a bill (S. 9527) for the relief of the heirs of Calvin Lacey, which was read twice by its title and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 9528) for the relief of the heirs or the estates of James L. Miller, deceased, and others, which was read twice by its title and referred to the Committee on Claims.

Mr. CLARK of Wyoming introduced a bill (S. 9529) for the relief of Francis Beach and certain other army officers and their heirs or legal representatives, which was read twice by its title and referred to the Committee on Claims.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment authorizing the Secretary of the Treasury to settle certain claims, intended to be proposed by him to the sundry civil appropriation bill, which, with the accompanying memoranda, was referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate \$80,083.50 to be paid by the Secretary of War to properly ac-

credited representatives of certain religious orders in the Philippine Islands, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations.

Mr. RAYNER submitted an amendment proposing to pay to the State of Maryland \$72,000, being the principal sum advanced by that State to the United States under the provisions of a joint resolution passed by the general assembly, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations.

Mr. HEYBURN submitted an amendment proposing to appropriate \$1,000 to pay William Grant Lieullen and William E. Burns \$500 each for extra services rendered in transferring, rearranging, remarking, cleaning, and refiling the bills, reports, documents, and laws in the Senate document room, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BURKETT submitted an amendment proposing to appropriate \$210,000 for the purchase of certain parcels of ground in the District of Columbia to provide for a site for an addition to the Government Printing Office, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations.

Mr. TILLMAN submitted an amendment authorizing the Auditor for the Navy Department, in the settlement of the accounts of George M. Stackhouse, paymaster, United States Navy, to credit him with the sum of \$1,606, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DEPEW submitted an amendment relative to the settlement of the judgment against Edmund B. Jordan, collector of internal revenue of the United States for the first district of New York, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$4,800.50 to pay the National Automatic Fire Alarm Company, of Washington, D. C., for the maintenance of the automatic fire-alarm system now in certain buildings of the Government Hospital for the Insane, intended to be proposed by him to the sundry civil appropriation bill, which, with the accompanying papers, was referred to the Committee on Appropriations.

Mr. DANIEL submitted an amendment proposing to appropriate \$1,200 for payment to the treasurer of the Mount Vernon Avenue Association of Virginia, assignee of the State of Virginia under the act of the general assembly of Virginia, approved March 5, 1888, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate \$700 to reimburse Edmund M. Talcott, assistant surveyor of the District of Columbia, for damages incurred by an incorrect survey made during the year 1905, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TAYLOR submitted an amendment authorizing the President of the Senate to issue certificates of salaries to the Senators from Oklahoma, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 23717) to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 16743. An act for the removal of the restrictions on alienations of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes; and

H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910.

#### WITHDRAWAL OF PAPERS—WILSON ZURMEHLY.

On motion of Mr. FORAKER, it was—

Ordered, That there may be withdrawn from the files of the Senate all papers relating to the bill (S. 4951, 60th Cong., 1st sess.) granting a pension to Wilson Zurmehly, there having been no adverse report on said bill.

#### ENROLLMENT OF OSAGE INDIANS.

On motion of Mr. CURTIS, it was—

Ordered, That the hearings had before the Committee on Indian Affairs on matters relating to the enrollment of certain persons as members of the Osage tribe of Indians, etc., be printed as a document.

#### CALUMET RIVER BRIDGE.

Mr. HEMENWAY. I ask unanimous consent for the present consideration of the bill (S. 9405) to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in section 1, page 2, line 2, after the word "March," to strike out "third" and insert "twenty-third," so as to make the section read:

That the Chicago, Lake Shore and Eastern Railway Company, a corporation organized under the laws of the States of Indiana and Illinois, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Calumet River in the northwest quarter of section 4, township 36 north, range 8 west of the second principal meridian, in Lake County, in the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### DISTRICT BUILDING ASSOCIATIONS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia, which were, on page 2, line 11, after "shall," to insert: "not exceed the sum of \$25 for the first \$500,000 or fractional part thereof of assets and the sum of \$10 for each additional \$100,000 or fractional part thereof of assets, and;" on page 3, line 5, to strike out all after "act" down to and including "act," in line 7; on page 4, after line 2, to insert:

SEC. 2. That there be added to the Code of Law for the District of Columbia a new section, to stand as section 691a, and to read as follows:

SEC. 691a. That any building association incorporated or unincorporated, organized and existing under the laws of the District of Columbia, or any State or Territory, to do or now doing, in the District of Columbia, a building-association business or otherwise operating as a building association, shall be subject to all the provisions of the foregoing section of this act in respect of the powers of the Comptroller of the Currency hereunder, and any such association or corporation shall at all times keep on deposit with the Comptroller of the Currency in money or stocks, bonds or mortgages or other securities to be approved by said officer, not less than 20 per cent per annum of its capital and surplus as security for its depositors and creditors, and as a guarantee for the faithful performance of its contracts, and may also make such further deposit of its assets as above described with the comptroller for such purpose as it may from time to time desire so to do.

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

Mr. KEAN. What is that, Mr. President?

Mr. GALLINGER. It is a bill dealing with loan associations in the District of Columbia.

The VICE-PRESIDENT. The Senator from New Hampshire moves that the Senate concur in the amendments made by the House of Representatives to the bill.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. I yield to the Senator.

Mr. NELSON. Mr. President, that motion ought not to prevail, and I object to it at this time. I think the bill ought to go to the Committee on the District of Columbia.

Mr. BURKETT. Let the last section as proposed to be amended be read.

The VICE-PRESIDENT. The Secretary will read the last section as proposed to be amended.

The Secretary read as follows:

SEC. 2. That there be added to the Code of Law for the District of Columbia a new section, to stand as section 691a, and to read as follows:

SEC. 691a. That any building association incorporated or unincorporated, organized and existing under the laws of the District of Columbia or any State or Territory to do or now doing in the Dis-

trict of Columbia a building-association business or otherwise operating as a building association, shall be subject to all the provisions of the foregoing section of this act in respect of the powers of the Comptroller of the Currency hereunder, and any such association or corporation—

Mr. BURKETT. Mr. President, that covers as much as I desire read. I should like to ask the Senator in charge of the bill if that does not introduce a new element which, I think, the committee has not considered. That, I understand, is the ground of the objection, and the Senator may be able to explain it. The amendment begins by inserting the words "District of Columbia." Those words are not in the copy of the bill as it passed the House and as it appears in the RECORD of Saturday, and there has been some objection from Senators in reference to that part of it. Perhaps the Senator from New Hampshire can explain it.

Mr. GALLINGER. I will say that the bill relates only to the District of Columbia, and that such a bill could only relate to the District of Columbia.

Mr. BURKETT. I understand that, but the bill which recently passed the Senate was to control the banking institutions that were branches of outside corporations that came into the District of Columbia to do business. This seems to include, also, the institutions located and organized in the District of Columbia and puts them on the same basis as the others coming in from the States. That is the objection that has been made to the bill. The words "District of Columbia" seem, according to the RECORD, to have gotten into the bill since it was passed by the House.

Mr. GALLINGER. This is the House bill precisely as it passed. The RECORD must be incorrect in that regard.

Mr. CULLOM. It is incorrect, I know.

Mr. BURKETT. The RECORD is here.

Mr. GALLINGER. As read by the Secretary, it is the bill as it comes from the House and is accurate, of course.

What I desire to say—and it is only a word in this connection—is that we have had banks and loan associations in this District with very little supervision and there has been very serious trouble. At the last session we made progress and put certain banking institutions under the jurisdiction of the Comptroller of the Currency and got rid of some of the scandal.

In reference to the loan associations, I understand that there are very serious matters connected with them. One of them recently failed and brought disaster to some good people. The Comptroller of the Currency is very anxious that this bill, following the line of legislation relating to banks, shall be enacted. My only purpose is to give security to the people who are investing in the loan associations in this District.

I hope there will be no objection to agreeing to the amendments which the House of Representatives have made, for I believe they are very good amendments.

Mr. NELSON. Mr. President, as the bill was reported from the Committee on the District of Columbia and passed by the Senate, I have no objection to it, nor have I any objection in respect to two of the amendments made by the House of Representatives, but one of the House amendments will be utterly destructive of the work and usefulness of these loan and building associations. That amendment requires them to deposit 20 per cent of their funds in the Treasury Department. There is no objection to putting the building and loan associations under the jurisdiction of the Comptroller of the Currency. I think it is proper enough that they should be required to report to him, but the amendment of the House to which I refer goes a step further. It requires, as I have said, the loan and building associations to deposit 20 per cent of their funds with the Secretary of the Treasury. This would seriously cripple them by requiring them to keep a large amount of their funds idle. The money deposited in the Treasury Department would draw no interest and would be of no practicable use. Instead of allowing the building associations to use that money for the purposes for which they were created, namely, loaning it out to people who want to engage in building, the House amendment would cripple the associations.

I trust, therefore, that the bill will be sent to conference and that the objectionable amendment will be eliminated, for, in my view, that is the only objectionable feature of the bill.

Mr. GALLINGER. Mr. President, for the purpose of complying with the request of the Senator from Minnesota [Mr. NELSON], I move that the Senate disagree to the amendments made by the House of Representatives, ask for a conference with the House on the amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN as the conferees on the part of the Senate.

ELLIS W. JOY.

Mr. BORAH. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 14290) for the relief of Ellis W. Joy, to report it without amendment.

Mr. STONE. I ask unanimous consent for the present consideration of the bill just reported.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Ellis W. Joy, of Andrew County, Mo., \$300, unlawfully collected from him by the board of enrollment in the State of Ohio, to furnish a substitute when drafted for service in the army, he not being a citizen of Ohio at the time and serving as a soldier with the Missouri troops.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN TEXAS.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 28305) to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State and to detach it from the Fort Worth division of said court, to report it without amendment.

The bill is a local Texas court bill, and, notwithstanding what has been said by the Senator from West Virginia [Mr. SCOTT], I ask him to allow unanimous consent to be given for its present consideration. It is quite an important matter, though purely local.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent for the present consideration of the bill named by him.

Mr. SCOTT. I object.

The VICE-PRESIDENT. Objection is made.

Mr. SCOTT. I shall object to all requests for unanimous consent until I secure the consideration of the Military Academy appropriation bill.

CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. I now wish to renew my request for unanimous consent for the consideration of the unobjected pension bills upon the calendar.

RED RIVER BRIDGE AT SHREVEPORT, LA.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill (H. R. 28193) to authorize the city of Shreveport to construct a bridge across Red River.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Louisiana?

Mr. McCUMBER. I yield for morning business.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill named by me.

Mr. McCUMBER. I yield to the Senator.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. M. COX.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 8200) for the relief of C. M. Cox.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I am ready to yield for morning business; but that is all.

Mr. TALIAFERRO. It is only a short bill and will take but a moment.

Mr. SCOTT. Will the Senator from North Dakota yield to me for a moment?

Mr. BAILEY. Mr. President, I do not understand that unanimous consent has been granted to the Senator from North Dakota.

Mr. McCUMBER. Unanimous consent has not been granted, but I have the floor, waiting, and have been yielding until the request is granted.

Mr. TALIAFERRO. Will the Senator yield to me for a moment to ask for the present consideration of the bill I have named?

Mr. McCUMBER. I yield to the Senator.

The VICE-PRESIDENT. The Senator from Florida asks unanimous consent for the present consideration of the bill named by him.

Mr. SCOTT. I will have to object to unanimous consent. If we are going to take up bills, I have the Military Academy appropriation bill, for which I desire consideration.

The VICE-PRESIDENT. The Senator from North Dakota [Mr. McCUMBER] has the floor, and he has yielded to the Senator from Florida.

Mr. McCUMBER. I have yielded to the Senator.

The VICE-PRESIDENT. The Senator from Florida asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 8200) for the relief of C. M. Cox.

Mr. SCOTT. Mr. President, I shall not object to that bill, but I shall object to any more bills being considered at this time by unanimous consent, and I give notice to that effect.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, in line 6, before the word "dollars," to strike out "twenty-six" and insert "sixteen;" and in line 7, before the word "cents," to strike out "forty-five" and insert "twenty-five," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys not otherwise appropriated, to C. M. Cox, of Bonifay, Holmes County, Fla., the sum of \$316.25, for services rendered as United States commissioner in and for the northern district of Florida.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ADDITIONAL DISTRICT JUDGE FOR WASHINGTON.

Mr. DEPEW submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27061) to provide for the appointment of an additional judge in and for the western district of Washington, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

That the House recede from its disagreement to the amendment of the title of the bill and agree to the same.

CHAUNCEY M. DEPEW,

J. B. FOBAKER,

LEE S. OVERMAN,

*Managers on the part of the Senate.*

JOHN J. JENKINS,

D. S. ALEXANDER,

HENRY D. CLAYTON,

*Managers on the part of the House.*

The report was agreed to.

#### RELATIONS BETWEEN CONGRESS AND THE EXECUTIVE DEPARTMENTS.

Mr. BAILEY. Mr. President, I rise to a question affecting a high privilege of the Senate. I have before me several responses which the heads of various departments have made recently to resolutions of the Senate, and an examination of them discloses the fact that they deny the power of this body to demand papers or information in the possession of those departments, notwithstanding the fact that those papers or that information may relate to matters within our jurisdiction and control. It is true that the denial is not made in so many words. It is made by implication and might, therefore, escape, and I have no doubt it has escaped, the attention of many Senators.

It is in the merely formal part of these replies, and until within the last few days I did not myself know that the heads of departments have for more than a year been replying to our resolutions in this form. I have here "a letter from the Secretary of the Treasury, transmitting, in response to the Senate resolution of February 18, 1908, copies," and so forth. This response is dated on the 13th of April, 1908, and after quoting the resolution of the Senate, the Secretary proceeds:

I beg to inclose herewith, by the direction of the President.

There are other responses in substantially the same language, varying, but the variation is immaterial, some of them reading "according to the direction of the President;" but they generally follow this form, and say "by the direction of the President."

Mr. President, I might, and other Senators might, have overlooked this matter as unimportant or irrelevant, except for the message which the President of the United States sent to the

Senate a short while ago; and in view of that message this language can not be mistaken either in the purpose of it or in the meaning of it. It is intended to deny the power of the Senate to demand these papers and this information. It is equivalent to declaring that unless the President directed the head of a department to send these papers or to give this information, the papers would not be sent or the information would not be given. This, sir, is such a distinct challenge of a right which the Senate has exercised, and which the departments have recognized, from the foundation of this Government that we can not allow it to pass in silence. We must take notice of it now or else by our silence we will be deemed to have acquiesced in the modern and startling doctrine of the President that the Senate has no power to command the departments to send information or papers to this body.

I shall not detain the Senate now to discuss the question, because it is too plain to require discussion. It is one of the few questions upon which there has never been a division of opinion in the Senate or elsewhere. But even if it needed discussion I could add nothing to what the Senator from Georgia and the Senator from Colorado have already said upon the subject within the last thirty days. I might, however, be tempted to debate it if it were not for the fact that Congress approaches its expiration, and that every hour between this and the adjournment will be required for matters that can not be neglected and which ought not to be postponed. In view of that, I shall occupy no further time of the Senate unless it is made necessary by something which shall be said in opposition to the resolutions which I now offer, and for which I ask immediate consideration.

The VICE-PRESIDENT. The Senator from Texas submits resolutions and asks unanimous consent for their present consideration. The resolutions will be read for the information of the Senate.

The Secretary read the resolution, as follows:

Senate resolution 317.

*Resolved,* That the response which the Secretary of the Treasury made under date of April 13, 1908, to a resolution of the Senate adopted February 18, 1908, shall be returned to him by the Secretary of the Senate, with the statement that the Senate of the United States declines to receive any communication from the head of any department which denies, either expressly or by implication, its right to demand all papers and information in the possession of any department and relating to matters within its jurisdiction or control.

*Resolved further,* That the Secretary of the Senate be instructed to examine the files of the Senate for the Sixtieth Congress, and whenever he finds a similar communication from the head of any department stating that such communication was made by the direction of the President, or an equivalent expression, he shall return the same to the head of the department making it, with the statement specified in the foregoing resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolutions?

Mr. ALDRICH. Mr. President, while we may agree mainly to the proposition suggested by the Senator from Texas [Mr. BAILEY], I think the matter of too much importance to be acted upon without the consideration of a committee. I therefore suggest to the Senator from Texas that he allow the resolutions to be referred to the Committee on the Judiciary, with the hope that they will report promptly upon them.

Mr. BAILEY. That means, Mr. President, the Senate will take no action on the matter. If I can have any reasonable assurance that the Senate will be permitted to vote upon the resolutions, I will very cheerfully agree to their going to the committee.

Mr. ALDRICH. I should hope—

Mr. BAILEY. My own opinion is that it is one of the few things that does not need the attention of a committee. I think the Senator from Rhode Island will not stand in his place and controvert the proposition announced in the resolutions. I think the Senator from Rhode Island will not tell the Senate that, in his opinion, any head of a department has the right to decline to make an answer to a resolution of this body demanding papers or information.

Mr. ALDRICH. I have no question myself that the Senate has the right to direct the Secretary of the Treasury to report to the Senate without reference to the President or to any other power, but I am not certain now of the remedy that should be proposed, and I am not certain about what the precise action of the Senate should be. I think the resolutions should be considered by the appropriate committee, and I therefore move that they be referred to the Committee on the Judiciary.

Mr. BAILEY. Mr. President, I shall demand the yeas and nays on the question; and if the Senate hereafter is to suffer under this executive insolence, I want the RECORD to show who it is that defends the encroachments of the executive department against the privileges of the Senate; and on the motion of the Senator from Rhode Island I ask for the yeas and nays.

The VICE-PRESIDENT. The Senator from Rhode Island moves that the resolutions submitted by the Senator from Texas

be referred to the Committee on the Judiciary. On that motion the Senator from Texas demands the yeas and nays.

The yeas and nays were ordered.

Mr. NELSON. I ask to have the resolutions again read.

The VICE-PRESIDENT. The Secretary will again read the resolutions at the request of the Senator from Minnesota.

The Secretary again read the resolutions.

Mr. BORAH. I understand that the yeas and nays have been demanded on the question of referring the resolutions to the committee?

The VICE-PRESIDENT. That is the fact.

Mr. BORAH. I merely want to say, before I cast my vote, that I have no doubt of the correctness of the position of the Senator from Texas, but I shall vote the other way simply because I believe that the resolutions are of sufficient importance to be considered by a committee.

Mr. BAILEY. I can understand how the Senator from Idaho feels that way and other Senators may feel that way; but, lest anybody should misunderstand what this means, I will say to the Senator from Rhode Island now that if the majority will agree that the resolutions shall be reported back and voted on before we adjourn, I will withdraw my demand for the yeas and nays and will agree that the resolutions go to the committee. The reason I resist his motion to refer the resolutions to the committee is because I feel perfectly satisfied that it is equivalent to disposing of this matter without deciding it.

Mr. ALDRICH. That is certainly not my purpose, and, while I can not speak for the Judiciary Committee, I should hope that they would be able to report at this session their conclusions.

Mr. BAILEY. The Senator from Wyoming [Mr. CLARK], the chairman of the Judiciary Committee, is in his seat. If the Senator from Wyoming will say that his committee will report the resolutions back, so that the Senate may dispose of them, I will withdraw the demand for the yeas and nays.

Mr. CLARK of Wyoming. The chairman of the Judiciary Committee is not prepared to say that any resolution will be reported back from that committee. The committee has been wrestling in vain for a number of weeks, earnestly and faithfully, with a resolution referred to it, and has arrived at no satisfactory conclusion. The Committee on the Judiciary has this morning held what it supposed was its last meeting. I say that for the information both of the Senator from Texas and the Senator from Rhode Island. Of course the Judiciary Committee will use its utmost endeavor to comply with any order the Senate may make.

Mr. BAILEY. I did not feel at liberty to say what the Senator from Wyoming has just said to the Senate, though I understood that to be the condition of business before that committee. I think the Senator from Rhode Island must now understand that a reference of the resolution to the Committee on the Judiciary means a refusal of the Senate to decide the question. I shall demand the yeas and nays, and I am going to record it as my prediction that there will be no report on the resolutions, and that the Senate will adjourn with these messages on its files without taking notice of this denial of the powers which for a hundred years it has exercised without question.

Mr. ALDRICH. I deny the right of the Senator from Texas to assume that because the Members of the Senate shall vote to refer a resolution in an orderly and proper manner to one of the standing committees of this body for its consideration they are opposed to the resolutions upon which the Senator asks to have peremptory action at this moment. The Senate has not been in the habit of treating these serious questions in that way, and I assume that it will not establish a precedent of that kind. I have no doubt whatever that the Committee on the Judiciary, if this matter is referred to it, will take it into immediate consideration. I have no doubt it will follow the instructions of the Senate, the tacit instructions of the Senate, and consider it at once. It is the proper committee of this body to consider it. It is a question important in character, and while immediate action may be satisfactory to the Senator from Texas, every Member of this body has a right to consider it, and to consider it with a view of all the consequences of their action.

Our relations to the executive department constitute a matter of vital concern to us all, and I am sure the Senator from Texas can not expect the Senate at his suggestion to act in this precipitate manner upon the resolutions; and I again protest against the assumption that if we vote to refer them to the committee we are necessarily opposed to the proposition which he has laid down.

Mr. BAILEY. The Senator from Rhode Island may protest to his heart's content, but that will not deter me from repeating that the very purpose of sending the resolutions to the committee is to avoid a direct vote upon them. If the Senator from

Rhode Island were not familiar with this matter, if other Senators here needed time to determine for themselves and according to their own best judgment whether or not the head of a department has the right to withhold papers and information from the Senate when demanded by the Senate, I would cheerfully agree that the matter was too important to be decided off-hand. But the Senator from Rhode Island and every other Senator in this body are prepared now and here to answer that question. The Senator from Rhode Island is prepared to answer it for himself, and I take it every other member of this body is. It is not a new question. If it were, I would agree that it would require time for deliberation and time for debate. But one of the most remarkable debates that ever occurred in this Chamber arose on this very question, under Cleveland's administration, when the Senators on the other side of the Chamber were not only affirming the right of the Senate to have the papers and documents and information in the possession of the departments transmitted here under the call of the Senate, but they went further and demanded that President Cleveland should transmit papers which he claimed were private and not official papers.

The Judiciary Committee then had this question under consideration, and while that great committee divided in its opinion and in its report upon the case then at bar, there was absolutely no division among its members as to the right of the Senate to demand papers, documents, and information relating to matters within the jurisdiction and control of the Senate. I have not for some little time examined the report of the committee, but I am under the impression that the latter part of the first resolution is a quotation, almost word for word, from the report of the committee in which this right of the Senate was asserted.

If the majority chooses to say it is not within its power to demand this information, if the majority chooses to say that it is willing to sit here and have response after response made to its resolutions containing a denial, distinct, though by implication, of the power of the Senate to demand this information, they must take the responsibility. I intend, so far as I am concerned, to assert and to defend the right of the Senate; and I only now desire to say—and I put what I prophesy against the protest of the Senator from Rhode Island—that if the resolutions are referred to the Committee on the Judiciary they will not be reported back before the close of this session. If they are reported back and the Senate is given an opportunity to vote upon them then I shall cheerfully rise in my place and tender my apology to the Senator from Rhode Island and the Republican majority.

Mr. HEYBURN. Mr. President, I should be ready to vote upon this question were it not for the fact that I am in doubt as to whether the rule suggested by the Senator from Texas [Mr. BAILEY] is applicable to the Secretary of War and the Secretary of the Navy. I am only inclined to think it is not. The President is the Commander in Chief of the Army and Navy; and I desire the RECORD to show that when I vote upon the question of the reference of the resolutions I reserve that question in my mind, and my vote will not be indicative of my views upon the question.

Mr. LODGE. Mr. President, this seems to be a very large and important question, covering a great deal of historical as well as constitutional ground. I have heard the resolutions read but once at the desk. I do not pretend to grasp their full purport. But it is too large a question, even if it is reported here, to settle in the closing hours of the Congress, rushed with business as we are, and will be, every minute from now till the 4th of March. I do not think it ought to be decided in the closing hours of the session, and I sincerely hope the resolutions will be referred to the committee for preliminary consideration.

Mr. FORAKER. I ask that the resolutions may be again reported. I was absent from the Senate Chamber when they were offered.

The VICE-PRESIDENT. The Secretary will again read the resolutions, at the request of the Senator from Ohio.

The Secretary read as follows:

*Resolved*, That the response which the Secretary of the Treasury made, under date of April 13, 1908, to a resolution of the Senate, adopted February 18, 1908, shall be returned to him by the Secretary of the Senate, with the statement that the Senate of the United States declines to receive any communication from the head of any department which denies, either expressly or by implication, its right to demand all papers and information in the possession of any department and relating to matters within its jurisdiction or control.

*Resolved further*, That the Secretary of the Senate be instructed to examine the files of the Senate for the Sixtieth Congress, and whenever he finds a communication from the head of any department stating that such a communication was made by the direction of the President, or an equivalent expression, he shall return the same to the head of the department making it with the statement specified in the foregoing resolution.

Mr. FORAKER. Mr. President, the resolutions have reference to a practice that has been recently resorted to, of which I think the Senate should take some notice. I was not aware until within the last two or three weeks that resolutions positively directing the heads of departments to make reports to the Senate were answered by the heads of departments "by direction of the President," as though but for that direction they would not answer the demand of the Senate. It seems to me, in the light of the practice that has obtained here from the beginning of the Government and in the light of what we have common knowledge of, that is in direct conflict with the Senate's prerogative, and that the Senate owes it to its dignity and to its rights and privileges to take notice of and to break up that practice if it be within its power to do so. That should be done perhaps by resolutions of this character, but I am not sure, having heard the resolutions read only just now, that I thoroughly understand them or that they are in the form in which I would be willing to vote for them.

Mr. BAILEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. With pleasure.

Mr. BAILEY. In order that every Senator may be sure as to what the resolutions mean, and in order that every Senator may have an opportunity to make such suggestions as he sees fit, if the Senator from Rhode Island will withdraw the motion to refer the resolutions to the Committee on the Judiciary I will cheerfully allow the resolutions to lie on the table until to-morrow, in order that all may have the fullest opportunity to consider them.

Mr. ALDRICH. I will not withdraw my motion, but I am willing to let the resolution go over until to-morrow.

Mr. BAILEY. Of course the Senator may withdraw it and renew it to-morrow, but I am willing—

Mr. ALDRICH. It is not necessary to do that.

Mr. BAILEY. I am willing that it shall go over until to-morrow with the motion pending.

Mr. FORAKER. Will the Senator from Texas allow me to ask him why he recites in the resolution a communication dated April 13, 1908, instead of a communication that has come in within the last two or three days? I saw within a week an answer from the head of some one of the departments that was sent here "by direction of the President," as though except for that direction he would not send it at all.

Mr. BAILEY. I will say to the Senator from Ohio that when I dictated the resolution I instructed my secretary to obtain the earliest one that had been sent in that form. When I came to look among my papers a moment ago I did not find the communication which he had specified in the resolution, and I hurriedly and in pencil here changed the one which he had had to one that I happened to have before me. I have four or five of them here. There is one from the Secretary of the Navy, there is one from the Secretary of War, there is one from the Secretary of Commerce and Labor. I think probably there is one from every department. I selected the Secretary of the Treasury because I thought that the strongest, in view of the fact that there is a statute requiring him in certain cases to communicate information to Congress.

Mr. FORAKER. I wish to make a suggestion to the Senator from Texas. If I understand the last paragraph of the second resolution, it is in the nature of a direction to the Secretary of the Senate to ascertain what other communications have come here "by direction of the President" instead of in answer to resolutions of the Senate, and to return all such, or something to that effect. Would it not be better so to amend the resolution as that the Secretary shall report to the Senate, and let the Senate direct that they be sent back, if that should be done? I hope it will not be necessary for us to resort to anything which is discourteous, but I do hope the Senate will stand for its own rights about this matter, for I regard it as of the highest importance. If you concede that the head of a department is not to answer a direction from the Senate except when the President shall give him permission or direction to do so, all authority over the heads of departments is at an end.

Mr. BAILEY. The Senator from Ohio—

Mr. FORAKER. I was about to say, having those apprehensions about the form of the resolution, I would not be opposed to having it go to the Committee on the Judiciary or to some other proper committee if it were not that the end of the session is in sight, as the Senator suggests, and it may be impossible to get a hearing before that committee prior to the 4th of March.

Mr. BAILEY. I will say to the Senator from Ohio, in response to what he has said about the second resolution, that I drew it in that form for the reason that I did not consider it

wise or safe to return one or two or three and possibly overlook others and not return them. Therefore, in order to put all the departments on precisely the same plane, who had made precisely the same response, I proposed to instruct the Secretary of the Senate to examine the files.

Now, if the Senator from Rhode Island is willing that this matter shall go over until to-morrow with his motion to refer it to the Judiciary Committee pending, I am perfectly willing that the matter shall take that course.

Mr. ALDRICH. I have no objection whatever to that course being taken, but I desire to remind the Senator from Texas and the Senate that at this stage of the session, with the public business in the condition in which it now is, it will be utterly impossible for the Senate to enter upon a discussion of this grave question of the comity which is due from one great department of the Government to another without imperiling the public business. I shall feel bound to resist any lengthy discussion of this question if it is within my power to do so.

Mr. BAILEY. Let me say to the Senator from Rhode Island that if the departments had respected the comity that ought to exist between the two branches of the Government this question would never have been here. But let the resolution go over until to-morrow.

The VICE-PRESIDENT. The resolution will lie on the table, with the motion of the Senator from Rhode Island to refer pending.

Mr. BAILEY. Subject to call to-morrow.

Mr. BURROWS. I desire that the resolutions shall be printed.

The VICE-PRESIDENT. The resolutions will be printed.

#### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have been unable to agree.

F. E. WARREN,  
J. A. HEMENWAY,  
H. M. TELLER,

*Managers on the part of the Senate.*

HENRY H. BINGHAM,  
F. H. GILLETT,  
L. F. LIVINGSTON,

*Managers on the part of the House.*

Mr. WARREN. I move that the Senate further insist upon its amendments in disagreement, and ask a further conference with the House, and that the Vice-President shall appoint the conferees, the same as those before appointed.

The motion was agreed to; and the Vice-President appointed Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER conferees on the part of the Senate at the further conference.

#### ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 6, 7, 11, 12, 13, 15, 18, 19, 24, 30, 51, 52, 58, 59, and 60.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 8, 9, 14, 16, 17, 20, 21, 22, 23, 25, 26, 27, 28, 29, 31, 33, 34, 34½, 36, 37, 38, 39, 42, 43, 44, 45, 46, 47, 48, 59, 50, 53, 54, 55, 56, and 62, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Insert at the beginning of said amendment the words "Provided further," so that the amendment will read: "Provided further, That the act approved May eleventh, nineteen hundred and eight, for the support of the army for the fiscal year ending June thirtieth, nineteen hundred and nine, in so far as it relates to the payment of six months' pay to the widow of an officer or enlisted man, and so forth, be amended as follows: Strike out the words 'contracted in the line of duty' and insert in lieu thereof the words 'not the result of his own misconduct;'" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "three million five hundred thousand;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the amount proposed in the amendment insert "one hundred thousand;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seventy-seven thousand one hundred;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In line 14 of said amendment strike out the colon and the words "And provided," and strike out all of lines 15, 16, 17, and to the period in line 18, so that the amendment will read: "Provided further, That of the foregoing total amount eighteen thousand dollars, or so much thereof as may be necessary, shall be immediately available for the purchase of one thousand four hundred acres of land, more or less, adjoining the military reservation of Fort D. A. Russell, Wyoming, as an addition to the rifle range: And provided further, That three thousand six hundred dollars of the foregoing total amount, or so much thereof as may be necessary, shall be immediately available for the purchase of the southeast quarter of the northwest quarter and the east half of section two, in township one south, range one east of the Salt Lake meridian, as an addition to the target range of Fort Douglas Military Reservation, in the State of Utah;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 8 of said amendment strike out the words "upon consideration of all the circumstances" and the commas preceding and following same, so that the amendment will read: "The Secretary of War is hereby authorized to convey to the owners of premises which encroach upon the military reservation of Fort Marion, in the city of St. Augustine, Fla., all the right, title, and interest of the United States in and to the portions of the reservation which have been occupied by them, under license or claim of title, upon the payment by said owners of such sums of money as the Secretary of War shall determine proper to be paid for the said lands;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 12 of said amendment strike out the word "provided," and insert the words "appropriated, to be expended from the amount appropriated in this act for water and sewers at military posts," so that the amendment will read: "For the acquiring of water rights and necessary lands therewith connected for a permanent water supply for Fort William Henry Harrison, in Montana, the amount of twenty thousand dollars appropriated therefor by the act approved May eleventh, nineteen hundred and eight, entitled 'An act making appropriation for the support of the army for the fiscal year ending June thirtieth, nineteen hundred and nine,' is hereby reappropriated and made available, and forty thousand dollars additional, or so much thereof as may be necessary for said purposes, including the acquiring of water rights and lands for intakes and right of way for pipe lines from such intakes to said fort, is hereby appropriated, to be expended from the amount appropriated in this act for water and sewers at military posts; and the Secretary of War is hereby authorized to acquire such rights and lands by purchase or by condemnation proceedings;" and the Senate agree to the same.

F. E. WARREN,  
J. B. FORAKER,  
JAS. P. TALIAFERRO,

*Managers on the part of the Senate.*

J. A. T. HULL,  
JAMES HAY,

*Managers on the part of the House.*

#### STATEMENT.

The managers on the part of the Senate, at the conference on the disagreeing votes of the two Houses on the bill (H. R. 26015) making appropriation for the support of the army for the fiscal year ending June 30, 1910, submit the following writ-

ten statement in explanation of the effect upon the total appropriation carried by the bill resulting from the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amount of bill as reported to Senate.....	\$102,509,050.34
Added during consideration of bill by Senate:	
National road from St. Louis to Jefferson Barracks.....	127,000.00

Amount of bill as passed by Senate.....	102,636,050.34
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Amounts dropped in conference:

Contingent expenses at military posts.....	\$2,500
Pay of officers of the line.....	108,800
Longevity pay of officers of the line.....	32,780
Private secretary to Chief of Staff.....	2,400
Pay of officers in Medical Department.....	151,100
Pay of retired enlisted men.....	200,000
Encampment and maneuvers, organized militia.....	175,000
Barracks and quarters.....	500,000
Roads, walks, wharves, and drainage.....	50,000
Shooting galleries and ranges.....	5,000
Road from Highway Bridge to Arlington.....	44,000
National road from St. Louis to Jefferson Barracks.....	127,000
Water rights for Fort William Henry Harrison (specific appropriation dropped, but expenditure authorized from total appropriation for water and sewers at military posts).....	40,000

1,438,580.00

Amount of bill as reported by conferees..... 101,197,470.34

F. E. WARREN,  
J. B. FORAKER,  
J. P. TALIAFERRO,

*Managers on the part of the Senate.*

Mr. WARNER. I should like to ask the chairman of the Committee on Military Affairs a question. I was unable to determine by the numbers what amendments were agreed to or disagreed to. I ask him whether the amendment put on the bill by a vote of the Senate for building a road from the city limits of St. Louis through the Jefferson Barracks grounds to the national cemetery was concurred in by the other House?

Mr. WARREN. I am very sorry to say to the Senator from Missouri that all the amendments which proposed to build roads of that character went out in conference. We were compelled to surrender those in order to get an agreement. The rules of the House have been changed. The report must be voted on there as a whole. It seemed to be desirable to get a full report, and we were compelled to drop that and a few other similar matters.

Mr. WARNER. The sorrow of the Senator in charge of the bill does not exceed mine. I was in hopes that that amendment, which was put on by a vote of the Senate, would be insisted upon by the Senate conferees.

Mr. WARREN. I am sure if the Senator had been one of the managers of the conference he would have felt that every effort had been put forward to save that particular amendment, but it was impossible to save any of them and secure the report which has just been made.

The report was agreed to.

Mr. WARREN. I move that the report be printed as a Senate report.

The motion was agreed to.

#### INDIAN ALLOTMENTS.

Mr. GORE. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 316) was read, as follows:

*Resolved*, That the Attorney-General is directed to inform the Senate:

1. As to the number of suits to cancel conveyances of Indian allotments that have been brought in the eastern judicial district of Oklahoma since May 27, 1908.
2. The number of such suits involving allotments, if any, from which the restrictions had been removed either by the Secretary of the Interior or by act of Congress.
3. The number of such suits which have been tried upon their merits, and whether judgments were rendered in favor of the plaintiff or the defendant.

4. The number of such suits which have been settled otherwise than by trial, either by compromise, dismissal, or in any other way.

5. The number and names of the special attorneys or special agents who have assisted in the bringing of these suits, together with the date of their employment and the amount of compensation which they have been paid.

6. How many of the suits above referred to, both where the land was restricted and where it was unrestricted, were brought upon the request of the allottees, and how many were brought without such request.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. KEAN. I do not think I have any objection to the resolution, but I should like to look at it before it is passed, and I ask the Senator to let it go over until to-morrow.

Mr. GORE. Very well.

The VICE-PRESIDENT. The resolution will be printed and lie over until to-morrow.

#### REVISION OF THE PENAL CODE.

Mr. HEYBURN. I have been withholding a request for action on a conference report for a long time while the Senator from North Dakota [Mr. McCUMBER] has yielded to various Senators. The time is running rapidly, and I shall soon be called upon to object to the transaction of other business.

#### PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate nonconcur in the amendments of the House and ask a conference with the House on the disagreeing votes of the two Houses, the conferees to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. BURNHAM, Mr. CURTIS, and Mr. TALIAFERRO conferees on the part of the Senate.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate nonconcur in the amendments of the House and ask a conference with the House on the disagreeing votes of the two Houses thereon, the conferees to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. BURNHAM, Mr. CURTIS, and Mr. TALIAFERRO conferees on the part of the Senate.

#### PAYMENT OF PENSIONS.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of the unobjected pension bills on the calendar.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The first unobjected pension bill on the calendar will be proceeded with.

The bill (H. R. 27049) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 16, after line 16, to strike out lines 17 to 20, inclusive, in the following words:

The name of Benjamin F. Green, late of U. S. S. Princeton, Minnesota, and Fort Jackson, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 8, to strike out lines 9 to 12, inclusive, in the following words:

The name of Henry G. Chritzman, late surgeon Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 3, before the word "dollars," to strike out "seventy-two" and insert "fifty," so as to make the clause read:

The name of Warren S. Dungan, late lieutenant-colonel Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 27469) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 5, line 19, before the word "dollars," to strike out "twenty" and insert "thirty," so as to make the clause read:

The name of Jacob W. Truxel, late of Company G, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 21, to strike out lines 22 to line 2, inclusive, on page 18, in the following words:

The name of John E. Robeson, late of Company D, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 15, to strike out lines 16 to 20, inclusive, in the following words:

The name of Emma C. Homer, widow of Horace Homer, late of Company E, Thirty-third Regiment Pennsylvania Volunteer Infantry, and acting medical cadet, United States Army, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 33, after line 15, to strike out lines 16 to 19, inclusive, in the following words:

The name of Charles P. Egbert, late of Company B, Mason's battalion, Pennsylvania Emergency Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. PENROSE. I ask that the Senate disagree to the committee amendment.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 27249) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, line 2, after the word "Navy," to insert "and pay him a pension at the rate of \$30 per month," so as to make the clause read:

The name of Harry M. Haughwout, late apprentice seaman, U. S. S. Pensacola, United States Navy, and pay him a pension at the rate of \$30 per month.

Mr. WARNER. I wish to make a parliamentary inquiry. If the Senate amendment is agreed to, will it be subject to amendment after all the committee amendments are agreed to?

The VICE-PRESIDENT. The bill is open to amendment now. It would not be open to amendment again while in Committee of the Whole. It would be open to amendment when the bill is reported to the Senate.

Mr. WARNER. I move, in line 3, page 2, before the word "dollars," that the word "thirty" be stricken out and the word "fifty" inserted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 2, after line 15, to strike out lines 16 to 19, inclusive, in the following words:

The name of Florence A. Scott, widow of Douglas M. Scott, late captain and commissary of subsistence, United States Army, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

Mr. PENROSE. I ask that the committee amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 3, line 9, after the word "Corps," to insert "and pay him a pension at the rate of \$36 per month," so as to make the clause read:

The name of Manuel P. Grundisch, late of United States Marine Corps, and pay him a pension at the rate of \$36 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

## POSTAL SAVINGS BANKS.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business of the Senate be temporarily laid aside. Without objection, it is so ordered.

## PAYMENT OF PENSIONS.

The bill (H. R. 28046) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 27974) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 3, line 8, before the word "dollars," to strike out "twenty" and insert "thirty," so as to make the clause read:

The name of Matilda B. M. Higgins, widow of Robert H. Higgins, late captain Company D, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 12, to strike out lines 13 to 17, inclusive, in the following words:

The name of Willis B. Blackwell, late of Company H, One hundred and thirty-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 28047) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 4, after line 23, to strike out:

The name of Edward Kerns, late of Company M, Second Regiment Ohio Volunteer Infantry, war with Spain.

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

The name of John H. Gray, late of Company A, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 4, to strike out:

The name of Martha Rebecca Young, helpless child of Benjamin H. Young, late of Captain Broadnax's company, Alabama Volunteers, Creek Indian war, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 3, to strike out:

The name of Elise Boettcher, widow of Edward Boettcher, late of U. S. S. Cushing and Vermont, United States Navy, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said Edward Boettcher until he reaches the age of 16 years.

Mr. BURROWS. I ask the Senate to disagree to that amendment.

The amendment was rejected.

The next amendment was, on page 13, line 20, after the word "Spain," to insert "and pay him a pension at the rate of \$50 per month," so as to make the clause read:

The name of William J. McGreevy, late of Company A, Sixteenth Regiment Pennsylvania Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The VICE-PRESIDENT. This completes the special order.

JAMES H. DE COSTER.

Mr. SCOTT. Mr. President—

Mr. FRYE. Will the Senator allow me to have a little bill passed, that will take but a minute?

Mr. SCOTT. Are you sure it will take only a minute?

Mr. FRYE. I am sure it will pass in a minute. I ask the Senate to proceed to the consideration of the bill (H. R. 5728) for the relief of James H. De Coster.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay \$465.95 to James H. De Coster, postmaster at Mechanic Falls, Androscoggin County, Me., for postage stamps and post-office funds stolen from the post-office at Mechanic Falls aforesaid on May 30, 1900, and charged to James H. De Coster and paid for by him in his settlement with the Post-Office Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. Thank you.

## MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT. I ask unanimous consent to call up House bill 28059, the Military Academy appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. SCOTT. I ask that the formal reading of the bill be dispensed with, and that it be read for action on the committee amendments.

The VICE-PRESIDENT. The Senator from West Virginia asks that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment was, on page 2, line 9, after the word "Academy," to strike out the semicolon and insert a colon.

The amendment was agreed to.

The next amendment was, under the subhead "Permanent establishment," on page 3, line 16, after the word "quartermaster's," to strike out "depot" and insert "department," so as to make the clause read:

For pay of 1 line officer, on duty in quartermaster's department at academy, in addition to pay as first lieutenant, \$400.

The amendment was agreed to.

The next amendment was, on page 6, after line 13, to insert: One stable sergeant, \$360.

The amendment was agreed to.

The next amendment was, on page 6, line 15, before the word "sergeants," to strike out "Six" and insert "Five;" and in line 16, before the word "dollars," to strike out "two thousand one hundred and sixty" and insert "one thousand eight hundred," so as to make the clause read:

Five sergeants, \$1,800.

The amendment was agreed to.

The next amendment was, on page 12, after line 7, to insert the following proviso:

Provided, That the extra pay provided by the preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or army regulations.

The amendment was agreed to.

The next amendment was, on page 12, after line 16, to strike out the following proviso:

Provided, That the extra pay provided by the preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or army regulations.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of civilians," on page 16, line 5, before the word "dollars," to strike out "nine hundred" and insert "one thousand one hundred," so as to make the clause read:

For pay of one stenographer and typewriter in the adjutant's office, \$1,100.

The amendment was agreed to.

The next amendment was, on page 17, line 13, before the word "hundred," to strike out "two" and insert "four," so as to make the clause read:

In all, to civilians employed at Military Academy, \$77,458.

The amendment was agreed to.

The next amendment was, on page 17, line 17, before the word "dollars," to strike out "twenty-seven thousand three hundred and fifty-three" and insert "twenty-six thousand nine hundred and seventy-three," so as to make the clause read:

Total pay of Military Academy, \$626,973.33.

The amendment was agreed to.

The next amendment was, on page 17, line 24, before the word "thousand," to strike out "one" and insert "two;" and in the same line, after the word "necessary," to insert the following proviso:

*Provided*, That hereafter the Board of Visitors to the Military Academy shall consist of five members of the Committee on Military Affairs of the Senate and seven members of the Committee on Military Affairs of the House of Representatives, to be appointed by the respective chairmen thereof, who shall annually visit the Military Academy on such date or dates as may be fixed by the chairmen of the said committees; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees, acting jointly, at least fifteen days before the meeting. The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board, and their actual expenses for travel by the shortest mail routes *Provided further*, That so much of sections 1327, 1328, and 1329, Revised Statutes of the United States, as is inconsistent with the provisions of this Act, is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 19, line 10, before the word "furnaces," to strike out "and;" and in line 11, before the word "mica," to insert "and," so as to make the clause read:

For fuel and apparatus, namely: Coal, wood, charcoal, stoves, grates, heaters, furnaces, ranges and fixtures, fire bricks, clay, sand, and for repairs of steam heating and coal conveying apparatus, grates, stoves, heaters, ranges, furnaces, and mica, \$30,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 10, to insert:

For one typesetting machine, \$3,700.

The amendment was agreed to.

The next amendment was, on page 20, after line 12, to insert:

For one 16-page cylinder press, \$2,500.

The amendment was agreed to.

The next amendment was, on page 20, after line 14, to insert:

For one paper-cutting machine, \$700.

The amendment was agreed to.

The next amendment was, on page 20, after line 15, to insert:

For six small electric motors, at \$100 each, \$600.

The amendment was agreed to.

The next amendment was, on page 20, after line 17, to insert:

For closets for stock, and office furniture, \$600.

The amendment was agreed to.

The next amendment was, on page 23, line 22, after the word "one," to strike out "reflectorscope," and insert "reflectoscope," so as to make the clause read:

For purchase of 1 reflectoscope, \$660.

The amendment was agreed to.

The next amendment was, on page 26, line 12, after the word "all," to insert "for expenses of the Board of Visitors and;" and in line 15, before the word "dollars," to strike out "twenty thousand five hundred and thirty-three" and insert "twenty-nine thousand six hundred and thirty-three," so as to make the clause read:

In all, for expenses of the Board of Visitors and for current and ordinary expenses, \$129,633.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 26, line 22, before the word "wicking," to strike out "and;" and in the same line, after the word "wicking," to insert "and electric lamps and supplies," so as to make the clause read:

For gas coal, oil, candles, lanterns, matches, chimneys, wicking, and electric lamps and supplies for lighting the academy building, chapel, library, cadet barracks, mess hall, shops, hospital, offices, stables, and riding hall, sidewalks, camp, and wharfs, \$10,000.

The amendment was agreed to.

The next amendment was, on page 29, line 5, before the word "dollars," to strike out "seven hundred and ninety-nine thousand seven hundred and eighty-six" and insert "eight hundred and eight thousand six hundred and eighty-six," so as to make the clause read:

Total Military Academy, \$808,686.33.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 29, line 15, before the word "dollars," to

strike out "one hundred and fifty" and insert "three thousand one hundred and fifty," so as to make the clause read:

For repairs to ordnance laboratory and other buildings pertaining to the department of ordnance and gunnery and materials for roads and walks, and for repairs to machinery and tools, \$3,150.

The amendment was agreed to.

The next amendment was, on page 31, after line 13, to insert:

For beginning the development of the general plan for landscape improvements of the West Point Military Reservation, designed under contract by authority of the Secretary of War, \$2,500.

The amendment was agreed to.

The next amendment was, on page 31, after line 20, to insert:

For preserving and marking Revolutionary forts, redoubts, and batteries, and other historic sites, situated within the limits of the West Point Military Reservation, \$3,200.

The amendment was agreed to.

The next amendment was, on page 32, line 17, before the word "dollars," to strike out "twenty-four thousand and thirty-five" and insert "thirty-two thousand seven hundred and thirty-five," so as to make the clause read:

Total buildings and grounds, \$1,732,735.

The amendment was agreed to.

The next amendment was, on page 32, after line 17, to insert:

Hereafter whenever any cadet shall have finished three years of his course at the Military Academy, the succeeding appointment may be made from his congressional district, or at large, in accordance with the existing law.

Mr. TILLMAN. I ask the Senator in charge of the bill to tell us what that means.

Mr. SCOTT. Will the Senator please restate his question? I did not catch it.

Mr. TILLMAN. I refer to the amendment on page 32 of the bill, beginning with line 18. I want to know why the amendment is there and what it means.

Mr. SCOTT. I will say to the Senator from South Carolina that the adoption of the amendment will mean the addition of a certain number of cadets—the appointment of one by each Representative and Senator in order to fill the vacancies which occur at the Military Academy and for the accommodations that we have now provided for additional cadets.

I am credibly informed by the superintendent of the academy that when a cadet has been there for three years, under this provision each Senator and Member of the other House would have the right to appoint a cadet before the graduation of the cadet who had served only three years in the academy. This would mean an increase of 88 cadets.

Mr. TILLMAN. The language is very obscure; at least it seems so to me, because I recall that some eight or ten years ago—twelve years ago, possibly—one of our Representatives, whose cadet failed, had a cadet appointed from some other State. The amendment says "at large." What does that mean, unless it means that the President shall appoint the cadet?

Mr. SCOTT. This does not provide for the President to make the appointment.

Mr. TILLMAN. It does not say that the Senator or Representative shall appoint.

Mr. SCOTT. The provision of the general law, as the Senator will see if he will refer to it, provides for Senators and Members of the House of Representatives making the appointments. I want to say to the Senator that these appointments would only increase the number of cadets by 88.

Mr. TILLMAN. It is not a question of how many it increases the number of cadets, but it is a question of whether they are to come from the same congressional district or from the same State, depending upon whether they had their appointment originally from the Representative or the Senator.

Mr. SCOTT. It provides only that the cadets shall be appointed in conformity with law; and the law is that they must come from the congressional districts, in the case of appointment by Representatives, but in the case of appointments by Senators, of course, the Senator would select the cadet from any part of his State he chose. It does not prevent him from taking a cadet from anywhere within, for instance, the State of South Carolina. All of that is provided for by the general law. This only gives the right to appoint a cadet one year in advance. Heretofore the law has been that a cadet must be graduated and thereby create a vacancy before an appointment could be made. This provision, as I have said, makes it possible for an appointment to be made a year in advance.

Mr. FRAZIER. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Tennessee?

Mr. SCOTT. Certainly.

Mr. FRAZIER. Mr. President, in view of the inquiry of the Senator from South Carolina, I would suggest an amendment to the chairman of the committee in order that this provision

may be entirely clear. The purpose of it is very apparent to those who were instrumental in framing the amendment; but it may not be so clear to others. I would suggest an amendment after the word "or," in line 20, by inserting the words "from the State."

Mr. SCOTT. I will accept that amendment.

Mr. FRAZIER. The purpose of the amendment is simply to increase the number of cadets in the corps.

The VICE-PRESIDENT. Will the Senator from Tennessee kindly restate his amendment?

Mr. FRAZIER. After the word "or," in line 20 on page 32, I move to insert the words "from the State."

Mr. SCOTT. Then the provision will read "from the State at large."

Mr. FRAZIER. Yes, sir.

Mr. SCOTT. I accept that.

The VICE-PRESIDENT. The amendment proposed by the Senator from Tennessee will be stated.

The SECRETARY. In the committee amendment, on page 32, line 20, after the word "or," the last word in the line, it is proposed to insert the words "from the State," so as read:

Hereafter whenever any cadet shall have finished three years of his course at the Military Academy, the succeeding appointment may be made from his congressional district, or from the State at large, in accordance with existing law.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee [Mr. FRAZIER] to the committee amendment.

The amendment to the amendment was agreed to.

Mr. KEAN. As I understand, this amendment of the committee increases the number of cadets at West Point by 88. It is general legislation, and I make the point of order against it.

Mr. SCOTT. Mr. President, I hope the Senator from New Jersey will withdraw that point of order. The increase of cadets by 88 under this proposed law at the expiration of 1914, we will say, will only increase the number of second lieutenants about 30. We have accommodations, and we have spent millions of dollars at West Point for accommodations to take care of these young men. We have the superintendent and the instructors, and we need the second lieutenants for the army, which, in the course of the weeding out during their academy course, I am sure will not exceed 30 in addition to the second lieutenants. I hope the Senator from New Jersey will withdraw his objection to this amendment.

Mr. KEAN. Mr. President, we are increasing every day the pension list and the retired list, as well as creating rank and new officers. I can not withdraw the point of order.

The VICE-PRESIDENT. The Senator from New Jersey insists upon his point of order.

Mr. KEAN. We do not want to increase the army now in time of peace.

The VICE-PRESIDENT. The Chair sustains the point of order.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 32, after line 21, to insert:

The Secretary of War is hereby authorized to permit Mr. Demetrio Castillo, jr., of Cuba, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Demetrio Castillo, jr., shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction: *And provided further*, That in the case of the said Demetrio Castillo, jr., the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The amendment was agreed to.

The next amendment was, on page 33, after line 8, to insert:

The President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint J. Randolph Peyton, late a cadet at the Military Academy at West Point, to the position of second lieutenant of infantry in the army, and to place him upon the retired list with the pay of a retired second lieutenant of infantry.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SCOTT. Before the passage of the bill, I want to appeal once more to the Senator from New Jersey [Mr. KEAN] to withdraw his point of order against the amendment on page 32, beginning with line 18, and I ask that the letter which I send to the desk may be read by the Secretary.

Mr. FORAKER. I want to offer an amendment, Mr. President.

Mr. SCOTT. I ask for the reading of the letter which I send to the desk, and I call the attention of the Senator from New Jersey to it.

Mr. KEAN. The Senator from New Jersey is listening.

The VICE-PRESIDENT. The Senator from West Virginia asks that the letter which he sends to the desk may be read by the Secretary. Without objection, the Secretary will read, as requested.

The Secretary read as follows:

WAR DEPARTMENT,  
Washington, February 23, 1909.

HON. F. E. WARREN,  
Chairman Committee on Military Affairs,  
United States Senate, Washington, D. C.

SIR: Under date of December 23, 1908, a memorandum was submitted to the chairman Committee on Military Affairs, United States Senate, bearing upon the question of increasing the corps of cadets at West Point. This matter was also taken up during the hearings on the Military Academy bill conducted at West Point.

I consider this the most important item of new legislation for the army which Congress is likely to take up at this session, and therefore I desire to lay before you the following additional facts bearing thereupon:

Since June 30, 1898, there have been 2,953 appointments to commissions in the army, exclusive of the medical department. One thousand five hundred and fifty-nine of these were to fill vacancies caused by increases in the army through legislative enactments and 1,394 were to fill vacancies caused by officers leaving the service through retirement, death, resignation, dismissal, etc. During this period 883 cadets were graduated at the Military Academy. Subtracting this number 883 from 1,394, it will be seen that the number of cadets graduated at the Military Academy during this period of ten years was 511 less than the number of vacancies in the army caused by casualties, so that without considering the increases in the army the cadets graduated from West Point have averaged 52 per year less than the vacancies caused by casualties. During the last five years the classes at West Point have been larger; they have averaged 105 per year, so that during the last five years the number of cadets graduated per year has averaged 35 less than the number of vacancies caused by casualties. I think that very few persons, either in the army or out of it, realize that during the past ten years the Military Academy has not only not furnished a single graduate to fill a vacancy made by increases in the army, but that the graduating classes have averaged 51 short of the number necessary to replace ordinary casualties, such as deaths, resignations, retirements, etc. The result of this has been that in the whole line of the army only 38.6 per cent of the officers are graduates of West Point, while 61.4 per cent are nongraduates.

It may be thought that the great number of casualties during the last ten years—1,394—has in a large degree been due to the fact that a number of old civil-war veterans have left the service during this time and that in the future the number of vacancies caused by casualties will be very much less, and therefore the necessity for additional cadets from West Point will in a short time be passed over. An investigation of the records, however, for the period covering the last thirty years shows that this assumption is entirely wrong. From 1878 to 1898 there was an average of 67.5 vacancies per year. This was practically 4 per cent of the authorized strength of the line of the army during that time. From 1898 to 1908 there was an average of 139.4 vacancies per year, which is about 4 per cent of the present authorized strength of the line of the army. During the years 1898, 1899, and 1900 the average number of vacancies per year was about the same as it is now—140 per year—but the strength of the army was less, so that during the last thirty years the average number of vacancies has been consistently the same proportionally, except during these three years, when it was somewhat greater, and there is no reason to believe that during the next twenty years it will not average about the same. The fact that there are relatively few old officers in the army who will create vacancies by retiring for age is offset by the fact that a large number of the officers who entered the Regular Army as a result of the Spanish-American war are not as well equipped mentally or physically for the army as those who have entered it under normal conditions. These officers are constantly dropping out because of physical retirement, inability to keep up in their studies, as result of court-martial, resignation, etc. This is illustrated by the fact that of the 541 officers who left the active list of the army during the last four years, 61 only retired for age, and the remaining 480 created vacancies by reason of death, resignation, etc. Of the 480, 30 were general officers, 51 were colonels, 27 were lieutenant-colonels, 62 were majors, 91 were captains, 114 were first lieutenants, and 99 were second lieutenants.

The proposed increase in the corps of cadets would result in the graduation of about 130 cadets per year, beginning three years hence. Without considering any probability of a future enlargement of the army, this number will be barely sufficient to fill the vacancies caused in the army by ordinary casualties. Congress has made generous appropriations for increasing the facilities at West Point, and this enlargement of the institution has now progressed to the extent that about 125 more cadets can be accommodated. I therefore earnestly request that your committee use all possible efforts to have incorporated in the Military Academy bill the provision for increasing the corps, which was recommended and fully explained in the memorandum above referred to.

Very respectfully,

ROBERT SHAW OLIVER,  
Acting Secretary of War.

Mr. SCOTT. I now ask that the telegram which I send to the desk may be read.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

WEST POINT, N. Y., February 27.

HON. FRANCIS E. WARREN:

Have just made up results of candidates' entrance examination, which are as follows: One hundred and twenty-seven qualified and to be admitted, 108 failed to report, and 10 failed to complete examination. This leaves corps of cadets even 100 short. Can not recommend too strongly favorable consideration of proposition to increase the strength of the corps. Should increase be granted, of course the cadets will not enter until next year, so that it will make no change in appropriation for this year.

SCOTT, Superintendent.

Mr. SCOTT. I hope the Senator from New Jersey will withdraw his point of order.

Mr. KEAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. SCOTT. Certainly.

Mr. KEAN. Mr. President, I do not believe in this proposed increase in the corps of cadets at the Military Academy. I therefore make the point of order against the amendment; but I am so strongly appealed to on all sides by Senators who, I suppose, are interested in the appointment of cadets, and so forth, that I shall have to yield. I withdraw the point of order.

Mr. TILLMAN. Then, Mr. President, I renew the point of order.

The VICE-PRESIDENT. The Senator from New Jersey [Mr. KEAN] withdraws his point of order against the amendment referred to, and the Senator from South Carolina [Mr. TILLMAN] renews the point of order—

Mr. TILLMAN. That it is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and sustains the point of order.

Mr. FORAKER. I will help out to the extent of two, if the amendment which I now send to the desk can be adopted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the President is hereby authorized to reinstate former cadets William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy at West Point in the class next below that from which they were dismissed as cadets.

Mr. DICK. Against that amendment I desire to lodge a point of order.

The VICE-PRESIDENT. What is the point of order?

Mr. DICK. That it is legislation upon an appropriation bill.

The VICE-PRESIDENT. The Chair is of the opinion—

Mr. du PONT. Mr. President, I should like the Senator from Ohio to withhold his point of order temporarily to allow me to say a few words on the amendment.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Delaware?

Mr. DICK. I gladly do that.

The VICE-PRESIDENT. The Senator from Ohio withholds the point of order.

Mr. du PONT. Mr. President, while the amendment before the Senate has my cordial support, I fully concur in the general proposition that discipline must be maintained at the Military Academy.

Mr. President, hazing is a practice not indigenous to the soil of America, much less to that of West Point. Like very many other habits and customs, it has come to us from Europe, and the "fagging" system, which has existed for centuries in the English public schools, may be fairly considered as its direct ancestor. Hazing has existed—I will not say it exists—at the Naval Academy at Annapolis, and it is a common practice in very many of our colleges and schools throughout the country, and, if the public prints are to be believed, it has even manifested itself in some institutions dedicated to the exclusive education of the gentler sex.

My personal observation and, I may add, my personal experience of hazing at the Military Academy is not of recent date, but at the period to which I refer the preponderance of public opinion in regard to hazing, both in and out of the army, may be fairly described as one of benevolent toleration, if not of tacit approval, and it was considered by many that hazing, as then practiced, did no harm and was formative of character in many cases, being a useful experience to the verdant and unsophisticated young man who had been leading the "simple life" in some remote rural community, as well as to the bumptious and conceited youth from one of our great cities, possibly a relative of some high official under the Government.

The state of affairs which confronted the newcomers who then joined the academy may be thus briefly described: They had to reckon with the first and third classes of cadets, the second class being absent on furlough. The first class, who had been three years at the academy, almost without exception, deemed it beneath their dignity to interfere with the newcomers. The third class, immensely impressed by the fancied importance derived from a twelve months' service at the Military Academy, and keenly reminiscent of their own experiences as new cadets the year before, indulged in all sorts of pleasantries and harmless practical jokes at the expense of those who had just joined, these annoyances occasionally reaching a point where the manhood or self-respect of the newcomer impelled him to resist. In such cases, public opinion compelled the tormentor to give personal satisfaction to the aggrieved new cadet, who could always rely upon a first class man's seeing that he had fair play.

The reflection, Mr. President, that it was a very unpleasant thing to be soundly thrashed by anybody, and particularly and especially disagreeable for a patrician third class man to be thrashed by a plebeian new cadet, probably did as much, in a

quiet way, to keep hazing within reasonable bounds as the statutes and regulations of later days.

As time went on, however, Mr. President, the state of affairs just portrayed underwent a radical change. The first class men apparently abandoned the dignified and self-respecting attitude of former days and lost the commanding influence they once enjoyed in the corps of cadets. The third class was permitted to form itself into a sort of guild of tormentors, which selected as its champion and bully the strongest and most athletic member of the class, who alone would give personal satisfaction to any aggrieved new cadet. This abominable and cowardly custom, utterly subversive of the elementary principles of fair play, practically prevented the newcomers from obtaining any redress whatever at the hands of the old cadets, and encouraged the latter, immune from being called personally to account, to the perpetration of all sorts of contemptible indignities and brutal insults.

Outraged public opinion throughout the whole country quickly found its expression in the Halls of Congress in the shape of the exceedingly drastic statute which I will now read:

The Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy and shall not thereafter be reappointed to the Corps of Cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member. (Sec. 1496, Military Laws of the United States, act of March 3, 1901, 31 Stat., 911.)

This act provides for the summary dismissal of any cadet who, first, may be actually guilty of hazing; second, of any cadet who may encourage hazing; and, third, of any cadet who may countenance hazing, "countenance" being defined in the dictionary "to encourage, to favor, to approve, to aid, to abet."

It would seem that the military or moral turpitude involved is surely different in the three categories of offenses cited in the act, it being certainly more reprehensible to haze than to approve or to favor hazing, yet no distinction whatever is made in the punishment, summary dismissal being the penalty for any and all offenses.

The act also prescribes that the Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing.

It is submitted, Mr. President, that the rules thus made when approved by the Secretary of War have the force of law. Let us see what these rules are. They are embodied in paragraph 143 of the Regulations of the United States Military Academy, and this paragraph is divided into three sections, which I will not read, but ask that they may be incorporated in these remarks.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The matter referred to is as follows:

143. SECTION 1. Any cadet who shall strike, lay hands upon, treat with violence, disturb in his room or tent, or offer bodily harm to a new cadet or candidate, with intent to punish, injure, annoy, molest, or harass the same; or who shall, with the same intent, invite, order, compel, or permit a new cadet or candidate to sweep his room or tent, make his bed, bring water, clean his arms, equipments, or accouterments, or perform any other menial service for him, or to assume any constrained position, or to engage in any form of physical exercise; or who shall, with the same intent, invite, order, or compel any new cadet or candidate to eat or drink any article of food, or to take into his mouth any article whatever, or to do for him anything incompatible with the position of a cadet and gentleman; or any cadet whose duty it is to enforce camp, barrack, or mess regulations who shall permit any new cadet or candidate to eat or drink any article of food, or to take into his mouth any article whatever, in violation of said regulations, shall be summarily dismissed from the Military Academy.

SEC. 2. Any cadet found guilty of participating in, or encouraging or countenancing the practice of hazing shall be summarily expelled from the academy and shall not thereafter be reappointed to the Corps of Cadets, or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member. (Act of Congress, approved March 2, 1901.)

SEC. 3. Hazing under the provision of section 2 of this paragraph is defined to be any of the acts enumerated in section 1 of this paragraph, or any other treatment accorded a candidate or a cadet who has been connected with the Military Academy less than one year of a harassing, tyrannical, abusive, shameful, insulting, or humiliating nature, or that may endanger the physical well-being of such candidate or cadet.

Mr. du PONT. The first section prohibits all conceivable forms of physical annoyance or disturbance of new cadets, both violent and mild, which are enumerated with minute detail, as well as any description of menial service, compulsory or voluntary, and imposes the penalty of summary dismissal on all offenders.

The second section simply recites the act of Congress which I have read and which, as we have seen, requires the summary expulsion from the Military Academy of all offenders.

The third section, after referring to this provision for summary expulsion, officially defines hazing to be "any of the acts enumerated in section 1," which would seem to include every form of annoyance other than facial contortions, jocular remarks, and verbal insults. That these may be covered, the section ends by including in the definition of hazing "any other act of a harassing, tyrannical, abusive, shameful, insulting, or humiliating nature."

From the report accompanying the bill it will be seen, Mr. President, that the authorities of the Military Academy have, in direct contravention of the express terms of the statute, as well as of those of their own regulations, which have the force of law, deliberately recommended the suspension for one year of six cadets found guilty of hazing, and that such recommendation has been approved by the War Department.

This action, Mr. President, is a virtual confession by all concerned of the impossible character of the Draconian statute, with its ancillary rules of equally Draconian severity emanating from the Superintendent of the Military Academy. More than this, it is a complete demonstration of the absolute inefficacy of the measures taken to "prevent the practice of hazing."

Mr. President, General Grant, I believe, has declared that the rigid enforcement of a bad law was the quickest and best method of having it amended or repealed, and the Secretary of War has very wisely observed that it is the certainty and not the severity of punishment which deters offenders.

Let us then amend this Draconian statute, Mr. President, so as to require the immediate expulsion of all cadets who may be guilty of cruel outrage, of brutal violence, or of ungentlemanly conduct to the newcomers, and so as to leave it to the discretion of the military authorities to punish the less grave forms of hazing by suspension or such other penalties as may seem, in their judgment, adequate and appropriate.

Under sane and reasonable regulations rigidly enforced, I am persuaded, Mr. President, that the discipline of the Military Academy will be improved and that hazing at West Point will be better controlled and minimized, if not entirely eliminated.

Mr. DICK. Is any other Senator desirous of discussing the question? [A pause.]

Mr. President, this bill, S. 7486, now offered as an amendment, authorizes the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy.

Rossell and Weaver were dismissed from the Military Academy on the 24th of August last in pursuance of orders from the President and Secretary of War. Both were first class men, and Rossell was one of the honor men of his class. The specific charge against them is that of hazing, although the Secretary of War denies that they were expelled for that cause.

The Secretary of War, in his recommendation in the matter, which was approved by the President, said:

Rossell seems to have been a ringleader in interfering with the plebes, and in at least one instance, and probably more, laid hands upon them, although not violently, and intimated when objection was made that the victim should either submit or fight. This probably brings him directly within the law, and I see no other course than that he should go. Weaver seems to have been not quite so pronounced in his behavior, although he was guilty of practically the same thing as Rossell.

"The act of Congress that forbids hazing and directs regulations to be made by the authorities of the academy does not prescribe what hazing is. This is not a technical term, and we can only ascertain the meaning of the word by reference to standard dictionaries. Webster's International Dictionary defines hazing: 'To harass or annoy by playing abusive or shameful tricks upon; to humiliate by practical jokes—used especially of college students; as the sophomores hazed a freshman.' The Century and Standard dictionaries give practically the same definition.

"Now, none of the acts shown to have been committed by these young men come within this definition of hazing. The evidence shows that while the offenders directed the plebes to 'brace'—that is, stand at attention with their shoulders thrown back, rub buckles, clean guns, bring water from the spring, fall in at the first assembly call, instead of five minutes later at the second call—still none of these acts can hardly be fairly brought within this definition. They all, undoubtedly, were improper interference with the plebes, constituting an assumption of authority over them in direct conflict with the regulations, for which severe punishment should be meted out.

"But the act of Congress which forbids hazing is extremely drastic in character, in that it provides that any cadet found guilty of hazing shall be summarily dismissed from the academy, and, in addition, shall not be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member. This being so, I do not feel that it is just to extend the operations of this severe statute by implication, especially in view of the fact that, in my judgment, the offenses of which these young men were undoubtedly guilty can be adequately punished without resorting to the extreme penalty of expulsion. It is the certainty of punishment rather than the severity that deters the commission of offense. At the same time, it should be made very clear to all the young men at the academy that obedience to the regulations imposed and the observance of a proper deportment toward the younger members is exacted.

"I therefore recommend that Cadets Rossell and Weaver be dismissed from the academy."

The act of Congress above referred to which prohibits hazing, was contained in the Military Academy appropriation bill, approved March 2, 1901, and reads as follows:

*Provided further,* That the Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer of the Army or Navy or the Marine Corps until two years after the graduation of the class of which he was a member. (31 Stat. L., 911.)

The history of this enactment is as follows: A special House committee was appointed by a resolution passed December 11, 1900, to investigate hazing at West Point, and spent three weeks taking testimony. The committee submitted a unanimous report, which dealt at length with conditions then prevailing at the academy, and reported a bill which it asked to have enacted into law, believing its passage would greatly tend to the maintenance of discipline there and that its passage was necessary for that purpose. The proposed bill was not passed, but the above proviso was enacted.

Subsequent events only strengthened my firm belief that the bill proposed by that special House committee should have been passed. I have no feeling whatever against these two young men whose restoration to the Military Academy is provided for by this bill. If only their personal fortunes were involved, I would not withhold my support for an instant. Much larger interests, however, are at stake. The discipline of the entire corps of cadets at West Point is a much more important question, and the officers responsible for the instruction and discipline of the institution are unalterably opposed to the restoration. The law itself expressly prohibits the reappointment to the corps of any cadet found guilty of participating in or encouraging or countenancing the practice of hazing. The Secretary of War, however, quotes the common dictionary definition of hazing and concludes that none of the offenses charged against these young men came under that head. The worst practice charged against them, he says, is that the offenders directed the plebes to "brace." On the subject of "bracing" I ask to quote the following extract from the report of the special House committee above referred to which investigated hazing at West Point:

The committee substantially confined its inquiries to the time since June, 1897, when the present senior or first class entered the academy. During all of this period new cadets have been placed in barracks in June and have remained there until July, when they have gone into camp and remained there until late in August, when they returned to barracks. While in barracks before going into camp they have been denominated by the upper class men as "beasts" and their quarters called "beast barracks." After the new cadets have moved from barracks to camp they have been styled "plebeians" or "plebes," and this has continued until received into full fellowship at the end of the first year. While the fourth class men have been in barracks before camp they have been instructed by the upper class men officially in charge of them that they must always obey all orders given them by upper class men. The upper class men at the academy are all substantially on a social equality, but a great gulf divides them from the fourth class.

The upper class men have gradually evolved an entire code of unwritten laws governing their relations with fourth class men, as well as the whole course of conduct which should be pursued by the latter. Under this code no friendships are formed between the upper class men and the lower class men; they have no social intercourse or relations. Except where the parties have been acquainted before entering the academy, the upper class man treats the fourth class man as unknown, a stranger, and an inferior. The fourth class man has no right to speak socially to the upper class man, and when he speaks to him on business he addresses him as "mister" or "sir." No fourth class man should gaze, stare, or even look squarely at an upper class man, but drop the eyes when in one's presence, and failure to do so is a punishable offense.

It is the duty of a fourth class man when in the presence of an upper class man to stand at attention, as if in the presence of a superior officer. A fourth class man should be sober and dignified, as becomes one in training for the grave duties of an army officer, and he must at all times abstain from laughing or smiling, upon the one hand, or looking sullen, upon the other. The record shows that where a cadet has looked sullen upon being hazed he has been called out, and if he smiled he has been punished.

The fourth class man must obey all orders of an upper class man and pay him the same respect due from an upper class man to the officers of the academy. After the fourth class men go into camp each is assigned, by lot or otherwise, to some upper class man as special-duty man, and as such must discharge the duties of a body and tent servant. He must sweep his superior's tent, put up and make down his bed, adjust the flaps of his tent, carry water, clean braces, brasses, breast-plate, and other trimmings, guns, bayonets, and swords; clean and care for his clothes, taking out dirty collars and cuffs and putting in clean ones; take dirty clothes to the laundry and bring clean ones back, make out hop cards, copy reports, and discharge other similar duties.

It is but justice to say that while under the cadet code a special-duty man is bound to do all these things, many of the upper class men fail to require that they all be performed; but, so far as your committee have discovered, all upper class men have required the performance of some of them. This special duty continues during camp. The upper class men, profiting no doubt by what they have learned from their predecessors and the aid of their own fertile ingenuity, have resorted to more than 100 distinct methods of annoying and harassing fourth class men. Your committee will not attempt to name or describe them all, but will name a number, describing them briefly when the name

itself does not sufficiently do so. They are divided into three general classes:

First. Things done professedly for the good of fourth class men or of the service.

Second. Things done to punish fourth class men for violations of the upper class code.

Third. Things done apparently without purpose, except to annoy, or for the mere amusement of upper class men.

Chief among the first of these classes is—

*Bracing*.—This consists in requiring the fourth class man to throw his shoulders back until the blades meet, draw his chin in, to a wholly unnatural degree, draw his abdomen up, and so walk that his toes touch the ground before his heels. It is claimed this is done to give a military carriage; but it has the contrary effect. It is such an exaggeration of the attitude of a soldier and is so irksome that when relieved from constraint the inevitable tendency is to more than normal relaxation and a slouchy carriage. The upper class man has required the fourth class man to brace at all times on the company streets, in camp, and frequently on other occasions, and this has on more than one occasion resulted in the victim fainting. Some doubt is cast upon the absolute belief upon the part of cadets that bracing is necessary to a good military bearing, and that it is their duty to practice it to attain that end, as they never brace an upper class man, no matter how slouchy he may be. Bracing is prohibited at the academy and has been frequently severely punished, but has been constantly and defiantly persisted in up to the time of the hearing by your committee.

"Bracing" was at that time clearly understood to be included in the category of hazing; and any act done to harass or annoy fourth class men, which sometimes results in the victim fainting, is clearly entitled to be classed under that head.

At the time the special House committee concluded the taking of testimony at West Point the following paper was presented, signed by the presidents of the four academic classes, promising on behalf of the cadets then at the academy to discontinue hazing. That communication is as follows:

WEST POINT, N. Y., January 19, 1901.

SIR: Having become cognizant of the manner in which the system of hazing as practiced at the Military Academy is regarded by the people of the United States, we, the cadets of the United States Military Academy, while maintaining that we have pursued our system from the best motives, yet realizing that the deliberate judgment of the people should, in a country like ours, be above all other considerations, do now reaffirm our former act abolishing the exercising of the fourth class men, and do further agree to discontinue hazing—the requiring of fourth class men to eat anything against their desire and the practice of "calling out" fourth class men by class action—and that we will not devise other similar practices to replace those abandoned.

Respectfully submitted.

For the first class:

W. REESE BETTISON,  
President Class 1901.

For the second class:

B. O. MAHAFFEY,  
President Class 1902.

For the third class:

QUINN GRAY,  
President Class 1903.

For the fourth class:

JOSEPH A. ATKINS,  
Representing Class 1904.

THE SUPERINTENDENT UNITED STATES MILITARY ACADEMY.

The House committee expressed its belief that the cadets then in the academy would live up to these resolutions, observing at the same time, though, that there was no express promise to cease "bracing," although the communication expressly promised to abolish the exercising of fourth-class men, under which head "bracing" clearly comes. The four classes then in the academy have long since graduated and four more classes have come and gone.

As we stated in that House committee report, the ingenuity of cadets in inventing new forms of hazing is so great that it is impossible to name and describe them all in a statute. The present act on the statute books covering this point is, however, broad enough and was intended to cover and prevent all forms of hazing; and while these young men may not have been the worst offenders at the time of the occurrences which led to their dismissal, and it is possible the main ringleaders were never discovered, yet there is no question at all that they were engaged in these practices for which they were dismissed and that the good of the institution and the maintenance of discipline there demand carrying out the provisions and intent of the law.

If cadets who have been dismissed for these practices can come to Congress and be reinstated in the academy in defiance of the opposition of the superintendent, then discipline will be seriously impaired and the corps of cadets will be encouraged in a feeling, apt to become too prevalent, that the Military Academy is maintained for their special benefit, and that they, and not the army officers placed over them, control the conduct of the Military Academy; and it appears necessary that occasionally some drastic measure be taken to impress these young gentlemen with their real relation to the institution where the Government is educating and training them to be officers in the army of the United States.

Therefore the dismissal of these cadets was not only justified, but was demanded by the law and the circumstances, and it would be a serious mistake to reverse that action by making

possible their reappointment. Experience shows that even the loss of a year's time at the Military Academy does not always make these young men mend their ways. A cadet was in August, 1898, convicted by general court-martial of harassing and annoying fourth class men and was sentenced to suspension, without pay, for one year. The day he returned he required a fourth class man to stand on his head and recite a humiliating verse, and upon the recommendation of the superintendent he was, with the approval of the Secretary of War, summarily dismissed.

Other conditions found to exist at the academy eight years ago, and which continue, were complained of by this special House committee. Quoting from that report:

There are 71 United States Army officers at the academy, including the superintendent—10 tactical officers and about 60 instructors—making about 1 officer to every 6 cadets. This would appear to be a sufficient number of officers to enforce discipline, but unfortunately in practice no one but the superintendent and tactical officers is charged with any duties in relation to discipline. Section 163 of the regulations, as established by the War Department, provides that each of the academic officers who knows of any violation of discipline shall report it. This regulation has become obsolete; but it was always so construed as to be of no value. Under the construction given it, if an academic officer saw a cadet in such condition as to clearly indicate he had been in a fight it was not his duty to report it. If he saw a fight he should so report, but if he saw the parties returning from the field of battle, bearing every evidence that they had been in a fight, he should not report it. This refined distinction applied to all the offenses, and was based on the thought that reports of offenses should not be made on suspicion, but on knowledge, ignoring the fact that evidences of breaches of discipline could be reported as distinct from charges. The result is that 11 persons are solely charged with maintaining discipline, in a reservation of more than 2,000 acres and more than 2 miles long, over about 450 cadets.

By the first and second sections of a bill introduced and reported here with this fault is thought to be in a measure cured by requiring every officer at the academy to report every matter coming to his attention tending to indicate a breach of discipline, and requiring the superintendent to investigate all matters so reported.

This will not alone be sufficient to furnish adequate surveillance. The academy has two mess halls, and there is only one army officer present to watch the two, with between 400 and 500 cadets. In camp there is no adequate provision for surveillance by army officers, and it is almost wholly under the care of cadet officers and sentinels.

Complaint has been made before your committee that cadet officers are unfair in reporting fourth class men for demerits. It is not claimed that this unfairness consists in so reporting fourth class men when not guilty; but it has been claimed that cadet officers are inclined to more rigidly report odious fourth class men than others, and a few of the upper class men, when upon the witness stand, have avowed that they would do this. The majority, however, deny that they would be guilty of any such injustice. Your committee feel that if army officers were more directly in charge of the cadets and brought into more close contact with them that the danger of fourth class men being thus unjustly reported for demerits would be reduced. Aside from this, however, your committee are convinced that the presence of more army officers in the camp at all hours of the day and night is absolutely essential to the thorough maintenance of discipline.

Your committee also believe that if more army officers were in and about the camp it would lead to more intimate association and higher mutual respect and regard, and thus enable the officers more effectually to impress upon the cadets the degrading character of the offenses sought to be suppressed and the better purposes to which cadets should devote themselves.

Again, the close association of selected and experienced army officers with the cadets would greatly aid in the education of the latter and the improvement of their military character, instilling in their minds a high conception of the soldier's duty. At the close of academic studies in June the professors and instructors have leave of absence until the resumption of such studies in the following September, and so it is that throughout the camp and during the time when the most difficulty is experienced in maintaining discipline the reservation is almost entirely stripped of officers.

This should be remedied either by shortening the leave of the professors and instructors and requiring that only a part have leave at a time or by the assignment of such other army officers to the academy during that period as will effectually administer proper discipline.

It is to my mind clearly a mistake to leave the maintenance of discipline of these cadets when in their summer camp to the cadet officers. There should be army officers in attendance in sufficient numbers to see that the proper discipline is maintained; that the rules of the academy and of Congress are not violated; and that all improper practicing of the new men be stopped. Until some provision of this kind is made, it is more than likely that the country will continue to be treated at more or less frequent intervals with eruptions such as occurred there last summer and at previous times in the history of the academy.

As I said before, so far as these young men are concerned personally, I would be pleased to see them restored to the academy did I not believe that the best good of the institution and the maintenance of discipline there require that there be no relaxation of the penalty imposed for violation of the rules, regulations, and laws, with which they were thoroughly well acquainted.

Mr. President, in my judgment, those most to be consulted and whose judgment is most to be considered in disposing of the question of hazing at the United States Military Academy are the officers who are in charge and upon whom rests the responsibility of the discipline of that institution. All military men will agree that the basis for all discipline, whether in mil-

tary academies or in military organizations, is reverence for law and respect for authority; and if this sentiment is to pervade the army, the first place to teach it and the first place to enforce it is in the Military Academy of the United States, where we are educating men to be officers and gentlemen.

Some years ago, while I was a Member of the House of Representatives, a scandal occurred at the Military Academy, due to hazing. It was my fortune or misfortune to be placed upon the special committee previously mentioned, and together with my colleagues we made a searching and thorough investigation of the conditions which obtained at the academy at that time. I confess that when we went at the task my associates upon that committee shared with me the general impression that innocent hazing in an institution of learning, even at a military academy, was not a vicious or altogether bad practice. But at the end of a month's thorough search the committee were so thoroughly convinced—and I may say in passing that one of the members of that committee was a graduate of the institution—that our report and recommendations as to the legislation which now stands upon the statute books was without dissent, all agreeing that hazing destroyed discipline at the academy and that it worked harm in the army itself. The evil then does not cease in the classes at West Point. These vicious practices may go still further and work incalculable harm at a time of great emergency.

But, sir, in the inquiries made we ascertained, first, that a code had obtained there with reference to hazing, and so secretly was it carried on that even the officers in charge were not aware of its extent or its viciousness. More than a hundred methods of annoyance and harassment had been perpetrated upon the new cadets, and so thoroughly had it taken hold upon the older cadets of the institution that they came to think that neither the officers in charge nor the Congress had any right to interfere with their traditional rights with respect to this long-time practice.

There appeared before the committee a young man with a broken jaw, who insisted that in a hazing episode his jaw had been broken by his best friend. There were numerous cases where young men were hazed into convulsions. Of some others it was thought they would never recover their full strength and health; and in the particular case that we were called upon to inquire into, where the young man had died subsequent to his hazing and his leaving the academy, it was not possible for the committee to determine whether his death resulted from hazing or possibly from some other cause. But, sir, we found that it resulted in practices so humiliating, so distasteful, so harmful, that scores of cadets retired from the academy upon one excuse or another rather than to endure the persecution that had been put upon them by their elders.

The law was passed. Within a year or two some objections were made, as are now made, to the rigidity of its provisions. A consultation was had at that time with General Mills, then Superintendent of the Military Academy, inviting his attention to the proposed change, believing that if discipline was to be improved by a modification of the law, Congress ought to listen to his recommendations. But as superintendent of the academy, who had then served several years, and who had been present when this investigation or inquiry was made, he said the law worked so well that he would hesitate to recommend a single change in any of its provisions.

As to this particular case now under consideration, I have seen these cadets who were dismissed, and agree with the Secretary of War that they are young gentlemen of merit, capacity, and soldierly appearance, but can not agree with the Secretary as to some of his conclusions. In this matter it is not the men who offended with whom we are expected to deal, so much as the discipline at the academy, and for the complete elimination of hazing at that institution. These are the things for Senators to consider. In my judgment, supported by the officers of the academy in the correspondence now before the Senate, the restoration of the cadets dismissed for hazing will invite a return of these vicious practices and be destructive of discipline at the academy, which carried to its logical conclusion can bring no other result than destruction of discipline to the army itself.

These men had served three years, were within a few months of graduation, and the hearings show that all were perfectly familiar with the laws and regulations regarding hazing. Consequently their disobedience was not only a violation of the rules of the academy and of the regulations of the army, but an open defiance of the law of Congress.

One of the considerations for us to take into account in disposing of this matter is, Shall we permit cadets, being educated under the bounty of the Government for high positions in the

public service, to defy with impunity the laws of Congress, and, defying law, to jeopardize authority in an institution where above all else the most important factor of their education is respect for law and duly constituted authority?

When this matter first came to the attention of the authorities it had been so quietly and secretly conducted that not an officer in the institution knew about it. The board was not created for the purpose of inquiring into any special case which had been called to its attention, but upon inquiry by the members of the board phases of hazing were discovered, and upon very careful inquiry it was found to have again crept into the institution to a very considerable degree, so much so that regretfully and reluctantly these men were dismissed. Under all the pressure that could be brought to bear by those higher in authority the superintendent and his subordinate officers of the academy, to their credit be it said, have protested against the restoration of these cadets until such time as the law itself had been fully satisfied, the course duly taken fully vindicated, and discipline at the academy safeguarded.

I regret that the Committee on Military Affairs reported favorably this bill to restore these cadets when it was introduced without having first called before it the officers of the institution or having had submitted to it the correspondence that passed between the War Department and the President and the academy officials.

In my judgment with such information the committee would have withheld a favorable report. In my judgment this correspondence would have estopped the Committee on Military Affairs from making the report now before the Senate, and because of the protest which those charged with the discipline of the institution have made—those upon whom we place the responsibility for the conduct of the academy in the training of these cadets, and upon whom so much of their future conduct depends—Mr. President, I object to favorable action, even though the proposed legislation in the form offered were in order.

The Secretary of War, seeking for some excuse for the restoration of these young men, who impressed him so favorably personally, searches for definitions of "hazing" in various dictionaries. I will not attempt to read them. They are in the report before the committee. The Secretary would have done better if he had sought for the definition as framed under the law of Congress by the Academy Board at West Point, and if under that law and those definitions he had arrived at his conclusion, I am satisfied he, too, would have said that under the law these men could not be restored.

I am not finding fault with his recommendations. That is entirely his official responsibility. But I can not share, as a Senator, in doing anything looking to the encouragement of hazing on the one side or the destruction of discipline at the military institutions of our country on the other.

It will not do to say that a military institution is upon the same basis as a civil educational institution. It is entirely different in character. Its chiefest instruction is discipline—respect for authority and enforcement of law—and where anything else is permitted, much less encouraged, it goes to final indifference and the possible destruction of law and order in the Government they are expected to serve.

These cadets are not boys. They are considered as men. By an opinion of the Attorney-General in 1824, they were considered officers of the army. It is no part of their business, certainly no part of their instruction, to carry on affairs of hazing, humiliating and insulting and punishing those whom they term their "inferiors" because of their shorter service in the academy. Nor am I putting the blame—I am not willing to put all the blame—on what we term the "older classmen" at the academy.

When the House committee made its recommendations, among the things suggested was that at the summer camp, where nearly all of this misconduct is perpetrated, in place of six or eight or ten tactical officers in charge of the camps, while the other sixty or seventy instructors are scattered over the country taking their summer vacations, a sufficient number of officers ought to be in charge so as to maintain discipline in every company and throughout the camp and compel complete obedience to the rules and regulations on the part of every cadet and an entire absence of the sort of persecution that has at times obtained. Plenty of officers at the camp would enforce proper respect and conduct.

Mr. President, just one word in conclusion, as I do not care to detain the Senate too long with a discussion which might cover hours of time, if the time were ours to dispose of, for if there were time I should like to read from the regulations dealing with this subject. I should like to read extracts from an ad-

dress delivered by General Schofield, when he was superintendent of the Military Academy at West Point. I should like to read a few extracts from the report of the House committee when it made an investigation in 1901. But I will satisfy myself by reading a letter from Colonel Scott, the superintendent of the academy, as a last and final appeal in favor of sustaining the course of himself and associates in their efforts and endeavors to enforce the academy rules and regulations and the laws of Congress dealing with this unjust practice. This is an indorsement upon the bill that was referred to the superintendent for his comment. He says:

[Received back, A. G. O., December 20, 1908.]

HEADQUARTERS UNITED STATES MILITARY ACADEMY,  
West Point, N. Y., December 19, 1908.

Respectfully returned to The Adjutant-General, United States Army, War Department, Washington, D. C.

The subject of hazing has always been a most difficult one and productive of much trouble in the past. Its consequences are not to be at all compared with similar acts committed in a civilian college or university. The records show that the superintendents for more than forty years have endeavored in vain to completely abolish it. A few years ago it brought about a congressional investigation and a special law against it. This caused a cessation for a time, but it is always liable to crop out suddenly and should be kept down with a strong hand, and the authorities here should be supported by the higher authorities, or it will work great damage to the discipline and good name of the Military Academy. It is against the sentiment of the American people, whose school this is, and who have forbidden it through their Congress by a special act.

The dismissal of these cadets was recommended regretfully after an investigation by a board of officers which gave the subject the most careful consideration. The cadets were well aware of the consequences of their acts; they had had the benefit of three years' instructions and were within a year of their graduation, when, if ever, they should have attained sufficient dignity and sense of responsibility to their Government to prevent them from such acts; and as much as the consequences to the cadets themselves are regretted, it is impossible to recommend any action that will permit the cadets of West Point to believe that the acts of Congress do not mean what they purport and can be violated with impunity.

H. L. SCOTT,

Colonel, U. S. Army, Superintendent.

[Third indorsement.]

To the Chief of Staff.

F. C. A.

The A. G. O., December 21, 1908.

Mr. President, I ask permission to insert in my remarks certain data important to the discussion.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

[House of Representatives. Report No. 2768. Fifty-sixth Congress, second session.]

#### INVESTIGATION OF HAZING AT THE UNITED STATES MILITARY ACADEMY.

Mr. DICK, from the special committee appointed under House resolution 307, passed December 11, 1900, providing, among other things, for an investigation of hazing at the United States Military Academy, at West Point, in the State of New York, submits the following unanimous report to accompany H. R. 14127.

The committee began the taking of testimony at Bristol, Pa., on January 4, 1901, and the hearings continued at Bristol, Philadelphia, West Point, and Washington until January 24, 1901.

The committee substantially confined its inquiries to the time since June, 1897, when the present senior or first class entered the academy. During all of this period new cadets have been placed in barracks in June and have remained there until July, when they have gone into camp and remained there until late in August, when they returned to barracks. While in barracks before going into camp they have been denominated by the upper class men as "beasts" and their quarters called "beast barracks." After the new cadets have moved from barracks to camp they have been styled "plebeians," or "plebes," and this has continued until received into full fellowship at the end of the first year. While the fourth class men have been in barracks before camp they have been instructed by the upper class men officially in charge of them that they must always obey all orders given them by upper class men. The upper class men at the academy are all substantially on a social equality, but a great gulf divides them from the fourth class.

The upper class men have gradually evolved an entire code of unwritten laws governing their relations with fourth class men, as well as the whole course of conduct which should be pursued by the latter. Under this code no friendships are formed between the upper class men and the lower class men; they have no social intercourse or relations. Except where the parties have been acquainted before entering the academy, the upper class man treats the fourth class man as an unknown, a stranger, and an inferior. The fourth class man has no right to speak socially to the upper class man, and when he speaks to him on business he addresses him as "mister" or "sir." No fourth class man should gaze, stare, or even look squarely at an upper class man, but drop the eyes when in one's presence, and failure to do so is a punishable offense.

It is the duty of a fourth class man when in the presence of an upper class man to stand at attention, as if in the presence of a superior officer. A fourth class man should be sober and dignified, as becomes one in training for the grave duties of an army officer, and he must at all times abstain from laughing or smiling, upon the one hand, or looking sullen, upon the other. The record shows that where a cadet has looked sullen upon being hazed he has been called out, and if he smiled he has been punished.

The fourth class man must obey all orders of an upper class man and pay him the same respect due from an upper class man to the officers of the academy. After the fourth class men go into camp each is assigned, by lot or otherwise, to some upper class man as special duty man, and as such must discharge the duties of a body and tent servant. He must sweep his superior's tent, put up and take down his bed, adjust the flaps of his tent, carry water, clean braces, brasses, breastplate,

and other trimmings, guns, bayonets, and swords, clean and care for his clothes, taking out dirty collars and cuffs and putting in clean ones, take dirty clothes to the laundry and bring clean ones back, make out hop cards, copy reports, and discharge other similar duties.

It is but justice to say that while under the cadet code a special-duty man is bound to do all these things, many of the upper class men fail to require that they all be performed; but so far as your committee have discovered, all upper class men have required the performance of some of them. This special duty continues during camp. The upper class men, profiting, no doubt, by what they have learned from their predecessors and the aid of their own fertile ingenuity, have resorted to more than one hundred distinct methods of annoying and harassing fourth class men. Your committee will not attempt to name or describe them all, but will name a number, describing them briefly when the name itself does not sufficiently do so. They are divided into three general classes:

First. Things done professedly for the good of fourth class men or of the service.

Second. Things done to punish fourth class men for violations of the upper class code.

Third. Things done apparently without purpose, except to annoy, or for the mere amusement of upper class men.

Chief among the first of these classes is—

**Bracing.**—This consists in requiring the fourth class man to throw his shoulders back until the blades meet, draw his chin in to a wholly unnatural degree, draw his abdomen up, and so walk that his toes touch the ground before his heels. It is claimed this is done to give a military carriage, but it has the contrary effect. It is such an exaggeration of the attitude of a soldier and is so irksome that when relieved from constraint the inevitable tendency is to more than normal relaxation and a slouchy carriage. The upper class men have required the fourth class man to brace at all times, on the company streets, in camp, and frequently on other occasions, and this has on more than one occasion resulted in the victim fainting. Some doubt is cast upon the absolute belief upon the part of cadets that bracing is necessary to a good military bearing and that it is their duty to practice it to attain that end, as they never brace an upper class man, no matter how slouchy he may be. Bracing is prohibited at the academy and has been frequently severely punished, but has been constantly and defiantly persisted in up to the time of the hearing by your committee.

Under the like claim as to their motives, the upper class men have deprived fourth class men of the privileges accorded to them by the authorities, such as having Saturday afternoon leave, and have ordered fourth class men to abstain from reading and letter writing except on Sunday.

The following are some of the second class of annoyances which have been imposed on fourth class men:

**Eagling.**—This consists in the fourth class man standing on his toes with his arms extended, dropping down to a sitting posture, rising part way, waving his arms like wings, again depressing his body to a sitting posture, rising in like manner, and continuing this during the period or for the number of times required. A fourth class man has frequently been required to eagle 100 and 200 times, and in some cases 300 to 400 times, and in at least one case above 600 times.

**Wooden willying.**—This consists in a fourth class man taking the regulation gun and drawing it up to the position of "fire," then dropping it to the position of "ready," and continuing this for the period or number of times required. This has frequently been required 100 to 200 times.

**Doing footfalls.**—This consists in lying on the back and without bending the knees drawing the legs up until they are at right angles with the body and then dropping them to the earth, continuing this for such period or number of times as may be required. A lower class man has frequently been required to do this from 75 to 100 times.

**Choo-chooing.**—This consists in lying on the back and working both legs and arms in imitation of the motion of the wheels of a locomotive.

**Dipping.**—This consists in placing one's body face down with his hands and toes on the ground or with the toes on the ground and the hands on a bucket, box, or the like, holding the body as straight as possible and raising and lowering it by the use of the arms alone.

**Taking plebe's rest.**—This consists in standing on the toe of one foot—say, the left—and raising the right leg up, resting the right elbow on the knee and the chin in the right hand.

**Stretching.**—This consists in hanging by the hands from a bar or rail on the canvas shelf in the tent known as the stretcher, with the legs bent at the knees, so as to be sure and have no support from below. A fourth class man is frequently required to hang this way until he drops from exhaustion.

**Holding out gun.**—This consists in holding out both arms in front and at right angles with the body and supporting upon the hands a regulation gun.

**Swimming to Newburg.**—This consists in lying face down and working the hands and feet as if swimming.

**Sitting on bayonet.**—This consists in assuming while on one's feet a sitting posture, with the bayonet standing point up under him, so that if through weariness he allows his body to sink down, he will be punctured with the bayonet.

**Holding out Indian clubs.**

**Holding out dumb-bells.**

**Holding out the cleaning box.**

**Sweating.**—This consists in putting a fourth class man in a tent with sides and back down and making him put on his rain coat, and frequently wrap himself in the bedclothing, and remain there any time required up to about half an hour. This is done in July and August and has more than once resulted in the fourth class man fainting.

**Soirées.**—It has been a common practice to call several fourth class men into a tent at one time between supper and tattoo and put them through numerous forms of exercising, usually making them eagle, wooden willie, do footfalls, and hang on the stretcher. These meetings have been known as "soirées."

**Requiring the taking of hot sauce.**—For a long time there has been kept at the academy in connection with the mess what is known as "tropical sauce," which is similar to tabasco sauce. It is commonly known at the academy as "hell sauce." Sometimes it is spoken of as "pepper sauce" in the evidence, but it is much stronger than ordinary pepper sauce. It contains a large amount of oil of capsicum and is intended for use in soup and other foods, and by reason of its highly irritant character is not fit for use by itself when undiluted. It has with great frequency been administered as a punishment to fourth class men at mess, both while in camp and in barracks, and at some times at places other than the mess, in doses usually from 2 to 5 drops, but quite often in doses of 15 drops, and in some cases between 1 and 2 teaspoonfuls.

**Eating quinine.**—Cadets have been required to chew up as high as four quinine pills at a time, and after thoroughly masticating, swallow them.

The following are some of the third class of annoyances which have been imposed:

**Qualifying.**—This consists in requiring a fourth class man to eat at one sitting an extraordinary amount of some otherwise unobjectionable article, such as molasses, prunes, peach pie, or cabbage. In qualifying on molasses, a cadet must usually eat at one time a soup plate full. In qualifying on prunes, he has been made to eat as high as 130. A number of cadets have become nauseated by this process.

**Feet inspection.**—This consists in going to a fourth class man's bed with a candle and pulling the covers off his feet and inspecting them, and while doing so intentionally, but apparently by accident, dropping hot grease from the candle on the bare feet.

**Dragging a man out of bed.**—This is usually done by taking hold of the bed and dragging it and its occupant into the company street; but it has been done by taking the victim by the heels and dragging him out.

**Throwing sentinel in the ditch while on duty.**

**Sliding on soaped floor.**—This is done in the bathroom, and the fourth class man is made while naked to slide over the floor after it has been soaped.

**Standing on head in bathtub filled with water.**—In this the fourth class man is usually required, while standing as indicated, to recite something, and as a result the water runs into his nose and mouth and strangles him.

**Standing on head in tent between tattoo and taps.**—Whenever an upper class man puts his foot into a fourth class man's tent between tattoo and taps the lower class man must at once stand on his head; and some upper class men require fourth class men, while in this position, to recite something and make a left-hand salute with the right foot. Of late, to avoid being caught, it has been the practice of the upper class men from in or across the company street to say, "My foot is in your tent," and thereupon the fourth-class man must act as if the foot were in fact there.

**Standing orders.**—When these orders are given, a fourth class man is required to stand up the entire day except while at mess and sink.

**Pillow fights.**—These, harmless in themselves, are a serious wrong, because the upper class men order the fourth class men to engage in them at night, and then the latter are charged with demerits for making a disturbance in camp and thus lose standing in their class.

**Cold baths in the company street.**—A fourth class man is required to entirely strip himself and run down the company street while parties on the sides throw cold water on him. The indecency of this performance needs no comment.

Many of the things done by the upper class men are boyish pranks and are known as "funny formations," but even these are frequently conducted in such a way as to outrage the noblest feelings of the heart.

Phillip H. Sheridan, jr., was compelled to ride a broomstick up and down the company street, saying, "Turn, boys, turn; we are going back," in mockery of his illustrious father's achievement at Winchester.

Your committee feel that a sufficient number of the methods used to harass and annoy have been named and explained to enable the House to understand their general nature. As this system grew and became more and more oppressive it became necessary to have some effective means to coerce obedience to these unlawful behests of upper class men, and to meet this demand a system of fighting has gradually grown up which is shocking in its character. Each of the upper classes has a regular fighting committee, and whenever it is reported, for example, to the president of the third class that some fourth class man has refused to obey any of the unlawful and illegal orders of an upper class man, or has in some other important respect violated the upper class code, all of which, it must be borne in mind, is in direct conflict with the regulations and rules of the academy, the president calls his fighting committee together, and, if it thinks the charge true, it orders the fourth class man called out and names the man who is to whip him.

There is usually an appearance of fairness about this in that an effort is made to have the combatants as nearly the same weight, height, and length of arm as possible, and the upper class man selected can not weigh above 10 pounds more than the lower-class man and must not greatly exceed him in height or length of arm. There is no fairness in it, in fact, however, as most of these fights take place while in camp and when the fourth class man has been in camp but a few days and during that time has been drilling four hours a day with a regulation and is usually so exhausted as to be weaker than when he came to the academy. The evidence shows that many of the lower class men leave their first camp thinner and lighter than they entered. On the other hand, the upper class man is hardened by more than a year's careful athletic training.

While upper class cadets insist that these fights are fair, they substantially all agree that the object of these fights is to punish the lower class man, and the upper class man who is to fight is selected with the intention and purpose of having him whip the fourth class man. A conclusive proof of the unfairness and inequality of these fights is found in the fact that so far as appears in more than forty conducted since June, 1897, the fourth class men have won four and two have been declared draws. It is perhaps fair to say that the fact that upper class men win an overwhelming majority of these fights may not be due wholly to superior strength or talent, but in part to the fact that the upper class men have greater familiarity with what is expected in such a contest, have more class and personal pride, and fight with more vigor and tenacity.

Some of the witnesses testified that if a fourth class man has conscientious convictions against fighting he is not bound to fight if he, in general, lives up to the like high ideal. This is largely theoretical, however, as the evidence shows no case of a fourth class man asking to be excused on this ground. There is also testimony that in one case after a fourth class man had fought more than once a chivalric upper class man announced that he had fought enough and if there were to be any more fights he would take the lower-class man's place. Unless excused because of his conscientious convictions, or because some upper class man has thus volunteered to fight his battles for him, a fourth class man is not at liberty to decline a challenge to fight sent by an upper class fighting committee, but must accept or be cut by the entire school, both the upper class men and his own. When the time for the fight arrives the parties retire to the appointed place, which, while in camp, is usually Fort Putnam, Fort Clinton, or Battery Knox, but at all other times at some room in the barracks or gymnasium. Each combatant is accompanied by two seconds from his own class, supplied with towels, sponges, and the like. At the fights, aside from the principals and their seconds, are the referee, timekeeper, and sentinels—usually four. All of these except the fourth class man and his two seconds are upper class men.

We do not find, however, that there has ever been any unfairness upon the part of the referee as against the fourth class man in his rulings. The sentinels are so posted as to preclude all possibility of anyone catching the parties in the act of fighting. When the fight takes place out of doors, a ring about 24 feet in diameter is marked off, but in barracks and in the gymnasium the ring is usually, of necessity, smaller. Each of the combatants strips off everything but a pair of trunks and a pair of rubber-soled shoes, and the fight commences with bare fists, and is conducted substantially according to Marquis of Queensberry rules, with two-minute rounds and one-minute rests. In one respect the fight is governed by West Point, as distinguished from Marquis of Queensberry rules. A fight to a finish has a more vicious meaning here than elsewhere. Theoretically when a man is clearly whipped his seconds may throw up the fight. The record shows, however, but one instance of this being attempted, and in that the principal was the upper class man in the fight and refused to abide by his seconds' advice. To show his grit and courage the defeated party, although helpless so far as fighting is concerned, must nominally go on so long as by any possibility he can come back to the ring, even though he is incapable of doing anything but take punishment. Many of the witnesses say that he must fight until knocked insensible; others say that of course he would be excused when physically incapable of coming up again.

The character of the fights thus indulged, not occasionally, but more than 40 times since June, 1897, is illustrated by the fact that there is evidence that in almost all instances the defeated party has had to go to the hospital, and in about half the cases the successful one has likewise gone.

The system is very well illustrated by the history of the Keller-Booz fight, hereafter fully described. This system of fighting has been the chief instrumentally for the maintenance of the authority of the upper class men over fourth class men. Presumably the fourth class men would refuse to be hazed beyond endurance but for the fact that their alternative is to submit to fight, with every prospect of defeat, or be cut by all the cadets at the academy.

In the opinion of this committee, when this system of fighting has been destroyed the worst forms of hazing must die with it. Such fights as these are felonies in many of the States. They have gone on for years at West Point, and no one has been punished during the period covered by the investigations by your committee, and the time has now arrived when Congress must decide whether the fights, substantially everywhere else treated as high crimes, shall continue to go on at the military reservation at West Point.

It is, of course, impossible to determine with mathematical accuracy just what has been the effect of this long course of cruel and annoying treatment upon fourth class men. We do know that several, notably Cadets MacArthur, Breth, and Burton, were hazed into convulsions; that many more, including Cadets Hascall, Kense, McGinnis, and Pegrum, were hazed until they fainted. Cadet van Natta, and perhaps others, have been hazed until sick. Cadets Booz and Breth were both treated with great severity, and were never well after they left the academy, and each died in his young manhood before the graduation of his class; but we can not affirmatively find that their death was caused by their treatment.

The foregoing description of the system of hazings and customary treatment of new cadets at the academy will aid in the understanding of the history of the late Oscar L. Booz, his conduct and treatment at the academy, the manner in which the grave newspaper charge came to be made that his death resulted from hazing whilst a cadet, and the extent to which there is foundation for such charge.

Oscar L. Booz, of Bristol, Pa., nominated as alternate, satisfactorily passed the preliminary physical and mental examinations for admission to the academy at Fort McHenry, Md., in March, 1898, and (the person nominated for cadet having failed in such examinations) was admitted to the Academy June 20, 1898, aged 18 years 11 months.

He had been graduated from the Bristol Public High School in 1896, was a student in Rittenhouse Academy, a private school in Philadelphia, during the succeeding academic year, and took the special course preparatory to admission to the United States Military Academy at St. Luke's Academy, Bustleton, Philadelphia, Pa., during the fall, winter, and part of spring of 1897-98, receiving the customary certificate or diploma for completing the course. In all this school experience his course was steadily progressive, and he showed uniform and marked proficiency in all branches studied, which included those he took up after returning to barracks at the Military Academy.

His physical condition before entering the academy was supposedly good, although he was not looked upon as particularly robust or much given to athletics. A preliminary to his nomination as alternate cadet was an examination in the summer of 1897 by Doctor Martin, who reported:

"He is organically sound, but \* \* \* his chest muscles are not as well developed as could be desired, owing largely to little or no physical training. His expansion is fair, but can be improved by exercise. I have told him this and recommended a systematic course to be pursued, and no doubt by spring he will be in good condition and in a way to pass a physical examination."

Just what course in athletics was taken at St. Luke's the principal could not state, nor did he know that Booz needed special training.

From April 23 to May 14, 1898, he was under treatment of Doctor Martin for acute pharyngitis, and, although supposedly cured at the last date, he did not return to St. Luke's for a final two weeks' review of studies, writing that he felt that rest would be more beneficial to him.

His moral character was excellent; of gentle manner, he was unflinching in fidelity to truth and duty; of sincere piety, he was free from cant and was joyous in making those about him happy, and a secret inquiry to discover his real character, among those unbiased in affection, fully corroborated the testimony of the witnesses summoned by the burgess of Bristol.

His first experience at the academy was entirely agreeable, the words and tone of the letters he wrote friends voicing content and his demeanor attracting the notice of his fellow-classman A. R. Burnam, jr., who testified of him:

"He struck me as being a very pleasant sort of fellow, and I asked him to be my tent mate in camp. (We thought there would be two in a tent, but Albert was assigned to the same tent.) He was considered witty. They had a good deal of fun out of him on account of his name."

His treatment, save, perhaps, in the demands upon him to swallow tabasco sauce, which will be later noticed, was about the same as that of most cadets until several days or a couple of weeks after getting in camp on returning from supper, when a third-class man told him to leave the ranks and he made no attempt to do so. His conduct was strictly correct under the regulations lawfully established, but under the lawless class despotism in vogue it was offensive, evidencing imper-

tinence, and the word was passed of his need of discipline and watch kept that a reasonable excuse might be furnished to administer chastisement. Many orders doubtless were given and not obeyed, but his conduct, being strictly correct, did not furnish the desired plausible pretext for a challenge to fight until the opportunity came late in July, when he was a night sentinel on post No. 5.

The orders for guard in camp are that sentinels will divide their posts into four equal parts. During the day they will walk the two middle parts, and between retreat and reveille their entire posts, except as otherwise prescribed in special orders for particular posts, and the special order for No. 5 was to walk that portion of the post in rear of the near-by company tents from tattoo until taps.

The corporal of this guard was not familiar with these orders, and on stationing Booz gave him the instruction appropriate before taps, and he proceeded to walk accordingly. This being observed by a third class man, the latter (without authority) proceeded to tell him to walk the entire post; others also demanded this course, and one says he kindly advised him, but he insisted in following the corporal's instructions. It was variously reported that he "mumbled something," that he made various rejoinders, but there is no positive evidence of any response. He evidently believed the advice and command of the cadets were like the lawless ones he had oft before received, and paced the post his directing officer had indicated.

The corporal of the guard being called and not knowing what the post really was, got the copy of orders, learned that the demand to walk the entire post was proper, instructed Booz accordingly, and the latter proceeded to comply with the new and correct instructions.

The following day the "contumacy," "impertinence," or whatever the act of disregarding the directions of third class men was appropriately termed, was reported to the fighting committee of that class, with the alleged rejoinders and their insolence in words and manner, as no one could testify yet, as "it was said," etc., and (possibly after the mockery of a pretended hearing) he was called out and ordered to weigh and select his seconds. The third class men who had kindly sought to make him understand his post had in the meantime sought him, explained the serious offense of a guard not walking post, read the appropriate article of war, with its penalty of death or such other penalty as the court-martial might impose, and expressed the conviction that Booz would be reported, court-martialed, and shot, making "his eyes bulge pretty much; it sort of takes the wind of fourth class men to tell them the war regulations." This cadet also testifies he knew that Booz was not a sound man physically, but did not know that he was called out, and if he had known it would not have allowed the fight to occur at that time, although in the interview, for effect, he told him that if he (Booz) was of his size he would call him out and thrash him.

Owing to Booz being on guard July 30, the fight did not come off until August 6, Saturday being the only day when he could leave camp. His opponent was 2 pounds lighter, with the like trifling shorter height and reach, but was superior in every other respect, having had a year's training in the academy gymnasium and being in fine health, with seconds used to such encounters, and the referee, timekeeper, and sentinels all being upper class men, who, with every disposition to be just, felt the "plebe" was a sinner in need of punishment. He knew from the start he had no chance of winning, yet went to the scene of combat with apparent confidence and forced the fighting in the first round, landing once or oftener, but ineffectively, until a blow in one of his eyes brought blood and demoralized him, and in his mortification he wept.

In the second round he soon received a blow which his opponent at first described to a fellow-cadet as on the solar plexus, which sent him to the ground, and after some inconclusive efforts he declared he could fight no more, and was counted out. He was treated with entire deference by all parties to the contest during its continuance and at its conclusion, and returned to camp crestfallen and with bleeding nose, one black eye, the other eye with a cut under it, a couple of loosened teeth, and a bruise on his body near the heart. His opponent sought him and advised him that if he was seriously hurt he go to the hospital, giving in this action the best testimony of respect.

But the same voracious though invisible and undiscoverable witnesses who had heard him reply insolently to the commands to walk post properly saw him return to camp smiling and heard him boast of the easy trick whereby he had avoided severe punishment in the fight, and the anger of upper class men was aroused and his action in the fight was branded as lacking in spirit and disgraceful in an embryo soldier. That he had ever before been in a fight or had any knowledge of the duty under the cadet code of fighting to complete exhaustion has not been shown and is not believed, nor while upper class participants in the fight say he must have known the code, his seconds did not know it at the time and supposed he did all that honor demanded until they learned differently from upper class men on return to camp, one of them then becoming so incensed that he visited his principal, whom he had left with friendly respect a couple of hours before, and told him he was a disgrace to his class.

Some time after returning from the fight Booz was summoned to the near-by tent of Cadet Caples, who had reported him for not taking proper position as sentinel at command "posts" on being relieved at 6.50 a. m., August 3, and to which report an explanation had been sent the commandant of cadets that the report was a mistake, that he had faced properly and that the new sentinel faced the wrong way. Caples testified that he explained to Booz, whose nose was still bleeding, the serious offense in the estimation of the corps of making a false explanation, which he claims Booz acknowledged his to be. He denied threatening to scar Booz for life, as the latter wrote home had been done by the cadet reporting him, but it is evident his talk was severe and intended to terrify, and that no vigorous rejoinder was made. The corps ethics regarded as unjustifiable an explanation possibly true inherently, or believed so to be, but which could not be substantiated, and Booz may have confessed his inability to prove his contention, but no fair admission of falsehood was made by him, and he was evidently sincere in his contention. The commandant of cadets apparently took this view, for, while declining to accept the explanation, he made no charge of bad faith against Booz. This incident was later supposed by some to have been the cause, or one of the causes, of the fight, but it is clearly of later date than the calling out.

A considerable number of cadets took up the charge of failure to make an honorable fight and showered him with insulting comments, one of them declaring he would have kicked him (Booz) in the face if present when he failed to continue fighting, and several declaring he would always be in disfavor in the corps and in the army, if he got there; and the following day he wrote home announcing the fight and its results, saying, "the fellows here are brutes, and they have evil in their minds," and asking his father to grant him permission to resign. During the remainder of his stay at the academy an insulting

remark would be dropped from time to time in his hearing to annoy him or provoke a fight, although most of the cadets knew or cared nothing of his affair, and the more dignified of those who knew and disapproved his part quietly ignored him, while his tent and room mate and other near friends remained steadfast in kind regard.

Before leaving Bristol the Sunday school of which he was a member gave him a reception and a handsome copy of the Holy Bible, and on entering the academy he united with the Y. M. C. A. and was a regular attendant at its meetings and a church communicant. He read his Bible regularly without hindrance, and although occasionally the remark was made outside the tent that that was a pretty slick way to dead-beat, the innuendo being that the reading was for protection from annoyance by third class men, who refrained from their operations upon fourth class men while the latter were at devotions, reading the Scriptures, or performing any act of religion. He told his sister that a cadet had asked him to produce the Bible, and she inferred it was to deprive him of it, but the inference was without warrant.

The president of the Y. M. C. A., in a letter to Rev. Alexander Allison, D. D., who preached Booz's funeral sermon, said a cadet had seen Booz reading a novel held within the Bible, to deceive; but the cadet who made the statement testified he was not justified in making the charge, and it was unwarranted by the facts.

It has not been possible to definitely learn exactly when the taking of tabasco sauce was first required of Booz, but it was probably near the middle of July, in small doses, the quantity being later enlarged, especially after he got into disfavor. His tent mate, Burnam, was amazed at the quantity he said he was taking, and at the order to finish a bottle before breaking camp (a period of about two weeks), but he did not know if the order was seriously given, insisted upon, or fully complied with. Booz complained that it was ruining his stomach, and in answer to an inquiry from his father and brother, replied that "he was forced to take it—had to swallow it or strangle."

It has been inferred and charged that the force referred to was physical, but the evidence and fair inferences are all to the contrary, and the statement that it had to be swallowed or the victim be strangled is explained by the testimony of his tent mate, Albert; that he (Albert) and two others were told to stand up with mouths open, and that then a few drops of the sauce was squirted in, and nothing would be more natural than to swallow as the only relief from strangling in the sensation of pain following. Had physical force been used at any time in administering the irritant it would not only have been in conflict with the cadet code, but would surely have been mentioned by Booz to Burnam, if not to his father or brother. The force used was of a kind which could only be realized by him who underwent the torment.

The effect upon the throat tissues and digestive organs of the frequent swallowing of tabasco sauce, raw and in immoderate quantities, has never been observed and is therefore unknown, and the medical and surgical experts whose testimony was taken could only theorize that it was probably injurious. There is no testimony that Booz or any other unwilling taker of the sauce complained at, or at any period within weeks of, the taking of inability to swallow food.

The return to barracks and of the second class from furlough at the end of August marked a change of table companions in the mess hall, and Booz never after mentioned tabasco sauce to any cadet friend, and was probably thenceforth exempt from this form of torment, and sufficiently so from all other forms that, if health had permitted, he would have been able to pursue his studies, which then began, with ardor and success; yet the reverse was the case.

His roommate says of him after return to barracks: "He studied very little; complained every night, almost. He would say he got dizzy, and complained of his eyes."

First Lieutenant Jervey, instructor of modern languages, testified: "Booz's face was colorless—ghostly. He was in my section four weeks. His marks were quite high the first week, but steadily declined thereafter."

First Lieutenant Coe, instructor of mathematics, testified: "Booz looked to me that he might have something the matter with him constitutionally. He had a very pasty complexion. \* \* \* His physical appearance led me to suppose that he probably was physically unwell, and that probably had a great deal to do with his mental condition. \* \* \* His marks for the first three weeks brought him next to the lowest in the class. \* \* \* He could not have passed the January examination."

His father having consented, Booz resigned the cadetship because of trouble with his eyes and was granted leave of absence October 5, 1898, when the resignation was accepted, to take effect October 31, 1898.

October 19, 1898, he consulted Doctor Wallace, a Philadelphia physician, who makes a specialty of the eye, complaining of trouble with the eyes and headache, and receiving treatment for a couple of weeks. December 23, 1898, he returned to Doctor Wallace and took a week or ten days' further treatment. The trouble with his eyes the doctor regarded as insufficient, in a young man of his age, to produce all the symptoms he complained of. The eyes were weak, due to a very exhausted condition—some profound depression of the system, the doctor supposed, without being able to decide whether it was the "inducing premonitions of tuberculosis" or caused by cruel treatment, but with a belief that severe treatment was much more likely the cause, and that physical injury, severe training, athletic exercises, drills, or studies would account for the trouble. Glasses and tonics were prescribed, and the patient was regarded as having been restored to health at the termination of the treatment.

Except as the foregoing may have extended into 1899, Booz does not appear to have had any medical treatment in that year. March 21 he wrote, describing the trouble with his eyes, especially since he had been home from West Point; that he had to wear glasses, and saying:

"I complained a little about my eyes when I was at St. Luke's, but thought it a trivial matter."

January 5, 7, 8, 9, 12, 15, and 21, 1900, he was treated by Doctor Martin for a catarrhal condition of the throat, and May 17, 21, 30, and June 2 and 11 for possible tubercular pharyngitis. He then got treatment from Doctor Weaver and later consulted Doctor Groom, who sent him to Dr. J. Solin-Cohen, the eminent throat specialist, on August 2. The latter diagnosed the case as tubercular laryngitis, and told the patient's sister the fatal nature of the disease, but treated the case until in November, when the patient failed in strength, and after treatment by Doctors Abbott and Weaver, respectively, he died at his home, in Bristol, December 3. Enunciation during the last few days was well-nigh impossible, but on the day before dying, being at times delirious, he exclaimed: "Have the tent ready; the inspector is coming;" and again, "They ought to have my throat."

The members of Booz's family entertained the conviction that the administration of tabasco directly occasioned the fatal disease of the throat, and based it largely upon the erroneous supposition that that disease developed very soon after returning from the academy, and that some of the physicians named were consulted soon after the treatment

by Doctor Wallace, instead of after the lapse of a full year, as shown by the evidence. They stated their belief to friends, and the story, with great embellishment, got into print and received highly sensational treatment.

December 1, 1900, the football team of the Military and Naval academies played their annual match at Philadelphia, and the newspapers of about that day, in the account of Booz's alleged maltreatment at the Military Academy, stated that, after being beaten, a fiery liquid had been poured down his throat and that a red-hot iron had been thrust down his throat. The superintendent and other officers and the cadets were naturally indignant, and it was incorrectly assumed by most of them that the statements in their worst form were from Booz and the publications procured by him or his family, and in this belief, and with the feeling it engendered, the investigation into his career at the academy was conducted by those who had been his fellow-cadets. The statements of the superintendent were garbled and distorted in publication, so that needless passion was thrown about what should have had the calmest survey. The bereaved family never assailed the academy, its superintendent, or the body of the corps of cadets, or sought or intentionally originated or contributed to the sensational controversy.

It is purely speculative as to when the tubercular bacilli infected Booz, Doctor Solis-Cohen saying it is possible, but highly improbable, that he had his fatal disease on entering the academy. The consensus of medical opinion is that a weakened and depressed system makes infection possible, where otherwise the disease would be successfully resisted, and this weakness and depression existed for weeks after return from the academy. Whether injuries in the fight, disturbance of the stomach, irritation of the throat, mortification of feelings, and other superadded ordeals to the severe but proper duties of a cadet created the depression in Booz, and without these unlawful exactions he could have studied and gained in strength and vigor, are also problems beyond human knowledge to determine.

And the like commentary must be made respecting the case of John Edward Breth, who entered the academy June, 1897, was found deficient in mathematics January 25, 1898, and died in October, 1899, of typhoid pneumonia. It is clear that no academy incident could have caused this fatal disease, but it is supposed by the family and their physician that a nervous twitching was brought on by the severe hazings to which Breth was subjected and that his strength was sapped and he could not so well resist the disease or be controlled by the remedies administered. The photograph of this young man shows an exceptionally fine, pleasing, and intelligent countenance, and the impression on the beholder and the tenor of his former life are not in harmony with the testimony of his alleged awkwardness and dullness, and suggest the thought that severe and lawless exactions denied him his rightful opportunity and can not leave agreeable reflections to his cruel tormentors, the chiefs of whom were long since dismissed for dishonesty.

But while we can not fix upon hazing the responsibility for these two deaths, the possibility that it hastened them and the blot it throws on the otherwise fair and glorious fame of the academy, its conflict with proper training and discipline, and unfitness in this new century, urge the adoption of the reasonable, yet we believe effective, measures for its eradication and the promotion of discipline at the academy hereafter proposed by this committee.

It has been charged that Booz was persecuted because of his religion, and it was also charged by Mr. Albert that he was driven out of the academy because he was a Hebrew. Fully realizing that there should be no room in the academy for racial or religious ostracism, your committee made some special inquiry on the subject, and finds that the whole a man's religious opinions are highly respected there. Cadet Meyer once called Cadet Albert "a damned Jew," but this was an isolated case, and Mr. Meyer claims to have done so because he thought Mr. Albert was attempting to conceal his race. Ex-Cadet Albert testified that Cadet Jordan also called him "a damned Jew" while he was at the academy. The conduct of these cadets was reprehensible, but in view of the fact that there was no evidence of like conduct by others and nothing to indicate that Meyer or Jordan were ever guilty of similar behavior at any other times, your committee feels convinced that Hebrews are usually treated with respect, and this conviction is strengthened from the fact that there are two Hebrews now at the academy, both of whom testify that they have never been subjected to any maltreatment whatever on account of their race or religion.

The evidence shows that it has been the rule not to haze cadets while reading the Bible or at the Y. M. C. A. The president of the Y. M. C. A. for the academic year 1899-1900 was Harry Mitchell, and it appears that he was sometimes called "Sainted Harry," "Sainted Mitchell," and "Prayer-Meeting Mitchell." While this could not be approved, it appeared that he was highly respected, and that those appellations were not used as terms of reproach.

Your committee is pleased to report that the cadets, as a class, have not been guilty of assailing men because of their race or religion.

Your committee having thus briefly told the nature of the treatment of fourth class men as gathered from about 5,000 pages of typewritten record, next call attention to the means employed by the authorities to suppress the evil, the difficulties met with, and the need for legislation from Congress.

At the outbreak of the Spanish war Lieutenant-Colonel Hein was commandant of cadets, and he was during the war also acting superintendent. In September, 1898, Colonel Mills was appointed superintendent and Lieutenant-Colonel Hein was retained as commandant of cadets. Both these officers have diligently sought to suppress the more serious forms of hazing, and have had a considerable measure of success, but many causes have contributed to defeat their efforts. The fourth class men refuse to tell the authorities anything about the abuse imposed upon them, first, because it is considered dishonorable to do so, and, second, because they believe they would be called out or otherwise seriously punished if they did. Hazing sometimes takes place in barracks and in daytime, but it usually takes place in an unlighted tent at night, between supper and tattoo, and this, of course, increases the difficulty of discovering and punishing the offenders. In this connection it is well to call attention to another cruelty of the system as it has been practiced. As the worst hazing is usually conducted in the dark, the tormentor, by his choice of time and place, has deprived himself of all ability to tell when his victim is exhausted.

Notwithstanding these and other difficulties, which will be referred to later, the superintendent diligently continued his efforts against hazing and to convince the cadet corps of its cowardly and degrading character. Cadet Phillip S. Smith was, in August, 1898, convicted by general court-martial of harassing and annoying fourth class men, and was sentenced to suspension without pay for one year. The day he returned, August 29, 1899, he required Cadet U. S. Grant, Jr., to stand on his head and recite a humiliating verse, and upon the recommendation of the superintendent he was, with the approval of the Secretary of War, dismissed

from the academy. In August, 1900, Cadet William F. Harrell was detected compelling Cadet Hunter to stand on his head in a bath tub full of water, as heretofore explained, and was, under recommendation of the superintendent, with the approval of the Secretary of War, dismissed from the academy.

A great number of severe punishments less than expulsion have from time to time been meted out to offenders, and finally, in September, 1898, the upper classes adopted resolutions pledging themselves to cease exercising fourth class men. The cadets are not all in accord as to just what this meant, but it is generally agreed that it included eagling, wooden-willying, doing footballs, choo-chooing, dipping, stretching, and the like; and it is equally agreed that it did not include bracing, dosing with hell sauce, qualifying, requiring service of special-duty men, or fighting.

Your committee ought, in fairness, to say that these resolutions have been kept by the upper class men in good faith, according to their several constructions of them, and as a result the camp of 1900 was the best in years and the most free from odious forms of hazing; but, as about twenty challenge fights have taken place since the adoption of these resolutions, it can not be claimed that an ideal condition was attained thereby.

There are 71 United States army officers at the academy, including the superintendent—10 tactical officers and about 60 instructors—making about 1 officer to every 6 cadets. This would appear to be a sufficient number of officers to enforce discipline, but unfortunately in practice no one but the superintendent and tactical officers is charged with any duties in relation to discipline. Section 163 of the regulations, as established by the War Department, provides that each of the academic officers who knows of any violation of discipline shall report it. This regulation has become obsolete; but it was always so construed as to be of no value. Under the construction given it, if an academic officer saw a cadet in such condition as to clearly indicate he had been in a fight it was not his duty to report it. If he saw a fight he should so report, but if he saw the parties returning from the field of battle, bearing every evidence that they had been in a fight, he should not report it. This refined distinction applied to all the offenses and was based on the thought that reports of offenses should not be made on suspicion, but on knowledge, ignoring the fact that evidences of breaches of discipline could be reported as distinct from charges. The result is that 11 persons are solely charged with maintaining discipline, in a reservation of more than 2,000 acres and more than 2 miles long, over about 450 cadets.

By the first and second sections of a bill introduced and reported herewith this fault is thought to be in a measure cured by requiring every officer at the academy to report every matter coming to his attention tending to indicate a breach of discipline, and requiring the superintendent to investigate all matters so reported.

This will not alone be sufficient to furnish adequate surveillance. The academy has two mess halls, and there is only one army officer present to watch the two, with between 400 and 500 cadets. In camp there is no adequate provision for surveillance by army officers, and it is almost wholly under the care of cadet officers and sentinels.

Complaint has been made before your committee that cadet officers are unfair in reporting fourth class men for demerits. It is not claimed that this unfairness consists in so reporting fourth class men when not guilty; but it has been claimed that cadet officers are inclined to more rigidly report odious fourth class men than others, and a few of the upper class men, when upon the witness stand, have avowed that they would do this. The majority, however, deny that they would be guilty of any such injustice. Your committee feels that if army officers were more directly in charge of the cadets and brought into more close contact with them that the danger of fourth class men being thus unjustly reported for demerits would be reduced. Aside from this, however, your committee are convinced that the presence of more army officers in the camp at all hours of the day and night is absolutely essential to the thorough maintenance of discipline.

Your committee also believe that if more army officers were in and about the camp it would lead to more intimate association and higher mutual respect and regard, and thus enable the officers more effectually to impress upon the cadets the degrading character of the offenses sought to be suppressed and the better purposes to which cadets should devote themselves.

Again, the close association of selected and experienced army officers with the cadets would greatly aid in the education of the latter and the improvement of their military character, instilling in their minds a high conception of the soldier's duty. At the close of academic studies in June the professors and instructors have leave of absence until the resumption of such studies in the following September, and so it is that throughout the camp and during the time when the most difficulty is experienced in maintaining discipline the reservation is almost entirely stripped of officers.

This should be remedied either by shortening the leave of the professors and instructors and requiring that only a part have leave at a time or by the assignment of such other army officers to the academy during that period as will effectually administer proper discipline.

In the tenth section of the bill reported herewith the Secretary of War is directed to meet this need. Under the present regulations one guilty of fighting or hazing may be dismissed or otherwise less severely punished. Your committee believe, and have so provided in the third and fourth sections of the proposed bill, that challenge fighting and the more serious forms of hazing should be punished by dismissal, and that the superintendent, charged by the first section with suppressing these evils, should have the power to take final action upon the findings of courts-martial and courts of inquiry adjudging a cadet guilty thereof. Not long since a cadet was dismissed from the academy and was shortly thereafter appointed to the Marine Corps, and now outranks all his former classmates. To avoid the repetition of such things, and to further punish the more serious offenses just referred to, the fifth section of the proposed bill prohibits all such appointments.

The ingenuity of cadets in inventing new forms of hazing is so great that it is impossible to name and describe them all in a statute, and for this reason the sixth section of the proposed bill directs all forms not specifically described to be suppressed under regulations lawfully made. Prior to June, 1879, regulations of the academy required cadets to answer all questions touching breaches of discipline, but at that time an amendment to paragraph 123 exempted a cadet from answering questions if the answer would criminate him. Your committee thinks this amendment was intended to be literally construed; that it was intended only to exempt the cadet where his answers would subject him to the criminal law in the ordinary course of its administration, and not when his answers would simply subject him to discipline while at the academy. Doubtless in the administration of such discipline one should be protected against the use of his answers in a criminal proceeding against

him, and we think this was the intention of the amendment in question. Its construction by the cadets has been wholly different from this. They have always construed it to mean that no cadet need answer any question if the answer would tend to subject him to discipline.

To illustrate the working of this regulation: About 18 cadets know of each fight—the members of the fighting committee which orders it, numbering about 6, the 2 principal combatants, 4 seconds, the referee, the timekeeper, and usually 4 sentinels. With this system of sentinels it is impossible to ever catch the parties in the act of fighting, and under the construction of the regulation in question every one of the 18 persons who knows anything about it is exempt from testifying. In this situation it is not to be wondered at that fighting has not been suppressed. The present superintendent made application to the War Department to amend the regulation so as to require all questions to be answered, but the department refused to do so, and we think rightly, because it had no power to protect the cadet from the subsequent use of his own evidence against him in a criminal proceeding. Later the regulation on this subject was so amended as to make the superintendent the judge of whether answering a question would tend to criminate the cadet, but while this made the superintendent the judge, he was in duty bound to decide correctly and excuse every cadet from answering incriminating questions. Congress has the power the War Department lacks to at once compel every cadet to answer all questions as to breaches of discipline, and at the same time protect him against his evidence being used against him in a subsequent criminal proceeding, and thus defend all his constitutional and other rights, and the seventh section of the proposed bill, in the judgment of your committee, will accomplish this.

The present superintendent at one time, being unable with the means at hand to discover the perpetrators of certain offenses, attempted to convene a court of inquiry to aid him in doing so, but the War Department held such proceeding was unauthorized.

The ninth section of the proposed bill provides such authority, with ample safeguards for the protection of the rights of all.

Regulations of the academy have in the past been made by the War Department, upon the proposal of the superintendent. The academic board has not been consulted. The superintendent and commandant of cadets and other tactical officers are usually only at the academy for a short time. On the other hand, the academic board is composed of persons permanently located there. The tactical department is constantly changing; the academic board is substantially continuous. While fully indorsing the changes made while the academy has been under Colonel Mills and Lieutenant-Colonel Hein, your committee thinks that the regulations have been so frequently tampered with and changed by newcomers as to make them voluminous and lacking in homogeneous character. Your committee feel that the academic board, continuous in character and always interested in and familiar with its needs, should be consulted and given part in this work, and the eleventh section of the proposed bill so provides.

The regulations of the academy have been adopted at so many different times and have been so frequently changed that they are now very numerous, complex, and lacking in harmony and simplicity. To the end that they may be more thoroughly learned, understood, and obeyed, they should be thoroughly revised and simplified.

The night the taking of the testimony closed at West Point a paper was presented to your committee by the superintendent, Colonel Mills, and the presidents of the four classes, as follows:

WEST POINT, N. Y., January 19, 1901.

SIR: Having become cognizant of the manner in which the system of hazing as practiced at the Military Academy is regarded by the people of the United States, we, the cadets of the United States Military Academy, while maintaining that we have pursued our system from the best motives, yet realizing that the deliberate judgment of the people should, in a country like ours, be above all other considerations, do now reaffirm our former action abolishing the exercising of the fourth class men, and do further agree to discontinue hazing—the requiring of fourth class men to eat anything against their desire and the practice of "calling out" fourth class men by class action—and that we will not devise other similar practices to replace those abandoned.

Respectfully submitted,

For the first class:

W. REESE BETTISON,  
President Class 1901.

For the second class:

B. O. MAHAFFEY,  
President Class 1902.

For the third class:

QUINN GRAY,  
President Class 1903.

For the fourth class:

JOSEPH A. ATKINS,  
Representing Class 1904.

THE SUPERINTENDENT UNITED STATES MILITARY ACADEMY.

It is the belief of the committee that the present cadets will live up to those resolutions, as, upon the whole, they are a truthful set of young men. It should be observed, though, that there is no express promise to cease hazing; and upon some other subjects the resolutions are ambiguous. Trusting and believing that these resolutions will be kept, your committee thinks the bill introduced herewith should be passed to cover matters not contained in the resolutions and to avoid the revival of practices abolished thereby.

Your committee were, upon the whole, favorably impressed with the general bearing of the cadets and their manner and conduct, and were particularly so impressed as to the fourth class men, finding in their demeanor and conduct evidence of the improvement wrought by the partial abolition of hazing during the present academic year.

Your committee, however, were astonished to find that something at the academy has denuded the consciences of most of these otherwise creditable young men as to the treatment due from the strong and experienced to the weak, the embarrassed, and the inexperienced. Before concluding, your committee ought to say that while substantially all fourth class men have been hazed to some degree and substantially all upper class men have in some measure engaged in the practice of hazing, a few fourth class men have wholly escaped and a few upper class men have entirely abstained from hazing, and we find a very large number of the upper class men have always been opposed to the more serious and brutal forms.

The War Department furnished your committee a complete transcript of the evidence taken before the court of inquiry which lately investigated affairs at the Military Academy, and the officers of both the Department and of the academy have at all times courteously aided this

committee in every way in its efforts to discover the truth. The committee saw fit to adopt the testimony taken before the court of inquiry, so far as it extended, as part of its own evidence, and has utilized it in all respects as if taken before the committee, and has been greatly aided thereby.

The committee returns herewith, as an appendix to this report, the record of all the evidence taken by it, including the evidence taken before the court of inquiry before referred to.

It is the sense of your committee that the passage of the following bill would greatly tend to the maintenance of discipline, and that its passage is necessary for that purpose; and it therefore respectfully recommends that it do pass:

"SECTION 1. That the superintendent of the United States Military Academy at West Point, in the State of New York, shall suppress all challenge fighting and every form of hazing at the academy, and shall, whenever advised of any facts tending to indicate any violation by a cadet or cadets of the laws of the United States, the regulations of the academy or its rules, at once investigate the same in person or cause to be convened a court of inquiry to do so, as hereinafter provided.

"SEC. 2. That it shall be the duty of every professor, assistant professor, academic officer or instructor, as well as every other officer stationed at the academy, to promptly report to the superintendent any fact which comes to his attention tending to indicate any violation by a cadet or cadets of the laws of the United States, the regulations of the academy or its rules.

"SEC. 3. That any cadet who shall act upon or be a member of any fighting or like committee, send, carry, or accept or order a challenge to fight, or be in any manner concerned or engaged in a fight preceded by a challenge, or order, or shall act as a referee, timekeeper, second, or sentinel thereat, or shall upbraid, abuse, or insult, or in any way maltreat any candidate or cadet because of his having refused to send or accept a challenge, or order to fight, shall be dismissed by the superintendent.

"SEC. 4. That any cadet who shall direct, invite, or request any candidate or cadet to eat or drink anything for the purpose of punishing, annoying, or harassing him, or who shall, without lawful authority, direct or require any candidate or cadet to brace, or engage in any form of physical exercise, shall be dismissed by the superintendent.

"SEC. 5. No cadet dismissed under either of the two preceding sections shall be in any way reinstated or reappointed to the academy; and no such cadet shall ever be appointed to any office in the Army, Navy, or Marine Corps.

"SEC. 6. All forms of hazing not herein expressly provided for shall be suppressed, under such regulations as shall now exist or may hereafter be lawfully established for the academy.

"SEC. 7. Every cadet shall at all times be required to answer all questions pertaining to infractions of the laws of the United States, the regulations of the academy or its rules put to him by any court-martial, court of inquiry, or any officer of the academy; and upon his refusal so to do he shall be dismissed by the superintendent. But his evidence shall not be considered as against him in passing upon his guilt or innocence of any such infractions, nor shall it be used against him in any criminal proceeding or civil action for damages.

"SEC. 8. When the superintendent knows or has reason to believe that any cadet is subject to the punishment prescribed in sections 3, 4, or 7 hereof, he is authorized to and shall at once convene a court-martial composed of not less than three commissioned officers to try such cadet. The finding of such court-martial, when approved by the superintendent, shall be final, and any cadet found guilty by it under any one of the said sections shall be dismissed, as in such section provided.

"SEC. 9. Whenever the superintendent shall report to the Secretary of War that he has reason to believe that there have been infractions by one or more cadets of the laws of the United States, the regulations of the academy or its rules, and that he has been unable to ascertain the perpetrator or perpetrators thereof, or to obtain sufficient evidence to warrant action, the Secretary of War shall at once convene a court of inquiry to inquire into such supposed infractions, with directions, without unnecessary delay, to report the evidence taken by them and their findings and recommendations, all of which shall when returned be transmitted to the superintendent, who shall thereupon enforce the laws, regulations, and rules as against all persons so reported to have violated them: *Provided*, That when evidence shall be adduced before such court of inquiry tending to show any infraction by a given cadet of the laws of the United States, the regulations of the academy or its rules, said cadet shall be at once notified and shall be entitled to be at all times present while the inquiry is going on as against him, and to have witnesses called in his behalf and to otherwise defend himself.

"SEC. 10. It shall be the duty of the Secretary of War to assign to the academy a sufficient number of officers of the army to at all times strictly enforce the laws of the United States, the regulations of the academy and its rules, and to furnish such instruction and surveillance as may be necessary to insure that end; and he shall make such regulations as are necessary to produce such direct contact between the officers and cadets as will result in a thorough enforcement of this act.

"SEC. 11. Regulations of the academy, not inconsistent with the laws of the United States, shall be made by the Secretary of War. The superintendent may from time to time propose any change in or amendment to such regulations; but before doing so shall convene the academic board, which shall vote upon the advisability of the proposed change or amendment, and its vote shall be forwarded to the Secretary of War by the superintendent with his proposal. The academic board may from time to time propose any change or amendment to the regulations; but such proposal shall be made through the superintendent and shall be accompanied with his recommendation.

"Nothing in this act shall deprive the superintendent of the authority to make internal rules for the government of the academy not inconsistent with the laws of the United States or the regulations of the academy."

CHAS. DICK,  
IRVING P. WANGER,  
WALTER I. SMITH,  
EDMUND H. DRIGGS,  
B. T. CLAYTON.

AN ADDRESS DELIVERED BY MAJ. GEN. J. M. SCHOFIELD TO THE CORPS OF CADETS, UNITED STATES MILITARY ACADEMY, WEST POINT, N. Y., MONDAY, AUGUST 11, 1879.

YOUR GENTLEMEN: I have some words to say to you, and I will try to detain you no longer than may be necessary.

I have chosen this mode, rather than that of a printed order, of saying what I wish to strongly impress upon your minds, partly because I

am doing my duty toward you, as your instructor, quite as much as my duty toward the Government, as your commander.

I am about to speak to you upon the subject of the treatment of new cadets by their seniors in the corps; and I have first to say that I do not hold you as individuals primarily nor chiefly responsible for the offenses which many of you have committed against new cadets. The practice of hazing has prevailed in most, if not all, of the institutions of learning both in this country and in England for many generations. It has always been condemned by the more enlightened and generally denounced by the regulations, yet it has generally been tolerated as a supposed unavoidable evil which did no great amount of harm and some good. Like the institution of slavery, until recently tolerated in this country because it had been inherited from our ancestors, it has even been defended by many on the assumed ground that it was rather beneficial than otherwise to the poor victims.

Enlightened public opinion throughout the civilized world now condemns slavery, both because it is a violation of the natural rights of man and because it is injurious to all concerned.

The venerable vice of hazing is of the same general character. It is a violation of the equal rights given by nature and guaranteed by law. It is the forcible deprivation of your fellow cadet or student of the quiet enjoyment of the rights given him by his appointment and guaranteed him by the laws and regulations. It is, therefore, nothing more nor less than robbery. In some cases it is even more offensive and humiliating to the victim than would be the forcible deprivation of his money or his watch. Not only reason and good morals, but also the law, rank these two offenses as essentially the same in kind.

Probably few of you have ever thought of the subject in this light, and doubtless the most of you may be shocked at this first view of its true character, but none of you will need more than a moment's reflection to correctly perceive it.

The spirit of hazing is even more nearly allied to that of the wanton incendiary who plies the torch for the fiendish pleasure of dancing around the ruin and misery that he has wrought. The same spirit which causes the small boy to delight in torturing his smaller and humbler neighbor moves the third class man who "yanks" and throws water on a "plebe," and finally develops, in time of war, into the wanton destroyer of institutions of charity and of learning and works of art. The seed sown in youth, or possibly inherited, can not fail to bear its fruit in time unless the weed is eradicated.

The practice of hazing is both injurious and humiliating to its victims and degrading to those who engage in it. It unduly excites class feeling, which is always quite strong enough, and has often engendered animosities which many years have not sufficed to allay.

Class associations are but temporary, and are of very little effect after graduation. Your constant associates after you leave the academy must be the members of higher and lower classes. The memory of ill-treatment will remain with its victim as long as he lives. You can never be a "brother officer" to him whom you once degraded. The stern discipline of a commanding officer will soon be forgotten when it can be remembered that he always treated his subordinates with justice and due respect. But wanton injustice and contumely can never be forgotten, except by a spirit too mean to feel its sting.

The practice of hazing has not at West Point even the poor excuse that is urged for it at civil colleges, for the military discipline and instruction which all new cadets must necessarily undergo, are quite sufficient to cure them of any undue egotism with which they may be afflicted upon entering the academy. But no consideration of mere utility, even if that could be fairly urged, could justify the violation of individual rights. Hazing is essentially criminal and must therefore be suppressed.

Like all vicious and illegal indulgences, the practice of hazing tends toward revolting extremes. In former times at West Point it was confined, with rare exceptions, to comparatively harmless sport. Sometimes the treatment was quite rough and accompanied by more or less of vulgarity. But any approximation to degrading or insulting treatment was almost unknown. The use of such names and epithets in speaking to a new cadet as seem now to be comparatively common would then have been instantly followed by bloodshed. Thirty years ago, if a new cadet had been assailed with the words "you d—n slimy beast," he would have done his best to kill his assailant on the spot. Anyone who would have addressed another in such words would have been denounced and "cut" even by his own class.

But by degrees, here as elsewhere, the poison seems to have spread and become more and more virulent, until now insulting and opprobrious names and epithets are applied to new cadets, and they are subjected to degrading treatment, such as no gentleman can possibly justify or defend. Yet such conduct seems to excite no particular emotion among cadets, and is tamely submitted to by the victims. Even many of the younger graduates, who have probably gone through the same experience when cadets, seem not to have recovered from the demoralizing effect. Better, far better, that West Point be destroyed and its greatness exist hereafter only in history than that such a standard of gentlemanly honor become the established standard of the corps of cadets.

Again, the general toleration of this vicious habit naturally leads to a combination among classmates to protect those who are guilty of it. Thus those who are justly proud of the title of gentlemen and who wish to guard it with jealous care find themselves indorsing and defending the most ungentlemanly acts, and are finally led into an unlawful combination to protect from just punishment those who are guilty of acts which all must condemn. Thus it is that habitual indulgence in practices which are essentially wrong inevitably leads to crime.

The very foundation of civil society is mutual respect for individual rights. And nowhere is such mutual respect more strictly enjoined and rigidly enforced than in military organizations. Without it tyranny on the one hand and disaffection and mutiny on the other must destroy the efficiency of an army. Those who wantonly inflict insult and abuse upon their inferiors and those who tamely submit to such treatment from those who may be placed over them are alike unworthy to be the soldiers of a free country.

Military law necessarily prohibits, under the severest penalty, any act of retaliation by the inferior for abusive treatment on the part of a superior on duty. But the law points out the proper mode of redress in such cases, and he who fails to avail himself of this mode and tamely submits to unlawful treatment stands dishonored as lacking the courage to defend himself. He who possesses true courage will defend himself from wrong by all lawful means, denounce his assailant, and bring him to justice. It is an extremely false notion of honor that compels a man to submit to any violation of his personal rights rather than to bring his oppressor to lawful punishment. His honor requires of him precisely this lawful mode of redress.

It is a great mistake to confound this lawful denunciation of those guilty of personal wrongs with the odious office of a public informer. It is the duty of the officers of the law to detect and bring to punishment those who violate any public right. Voluntary informers are justly regarded with disfavor. So in the corps of cadets it is the duty of the officers, sentinels, and others on duty to report all violations of the regulations, and not the duty of cadets in general to voluntarily inform on their companions. But as the citizen brings before the magistrate one who assaults him or robs his house, so the cadet should report anyone who violates his personal rights and defend himself, so far as he lawfully may, against such abuse. Self-defense is the first law of nature. He who declines it forfeits his manhood.

The most odious of all forms of tyranny is the tyranny of a mob—that is, of an unlawful combination of many persons to overawe an individual and compel him to submit to wrong or deter him from the exercise of his rights or the denunciation of those who have wronged him. Of this character are class combinations to force a cadet to submit to hazing or to punish him in any way if he complains of those who abuse him. A young man of real courage will defy such threats, let the consequences be what they may. It were better to suffer anything than to tamely submit to tyranny.

The spirit which dictates hazing and its official counterpart, a harsh instead of a mild mode of imparting military instruction and enforcing obedience, is radically wrong. The best and most successful commanders of all grades are those who win the respect, confidence, and affection of their subordinates by justice and firmness, tempered by kindness. The discipline which makes the soldiers of a free country reliable in battle is not to be gained by harsh or tyrannical treatment. On the contrary, such treatment is far more likely to destroy than to make an army. It is possible to impart instruction and give commands in such manner and in such tone of voice as to inspire in the soldier no feeling but an intense desire to obey. While the opposite manner and tone of voice can not fail to excite strong resentment and a desire to disobey. The one mode or the other of dealing with subordinates springs from a corresponding spirit in the breast of the commander. He who feels the respect which is due to others can not fail to inspire in them regard for himself. While he who feels, and hence manifests, disrespect toward others, especially his inferiors, can not fail to inspire hatred against himself.

The differences among men are far less than they generally seem. It is only when the difference is really trifling that it seems to those concerned so very great. Thus the cadet of one year's standing thinks he sees an enormous gap between himself and the newcomer, and looks down upon the latter as a mere animal whom he may justly torture as a small boy does a cat. While to the more distant and impartial observer the difference between them is barely perceptible and may be wholly obliterated by the scratch of a pen, as has been illustrated by some recent examples.

A veteran soldier sees but little difference between the different grades, from his own down to that of a junior cadet, and treats all with nearly equal respect. It would be well for young soldiers to profit by such examples. The road to military honor will be guarded all the way by the hearts of those who may be your subordinates. You can not travel that road unless you can command those hearts.

This practice of hazing is now unanimously condemned by all those in high authority in the Government, by all the eminent men of the country, and by the public press. Even the parents of those cadets who have suffered punishment denounce the practice. The most that any plead for is forgiveness for the follies of boys who are not old enough to know better. Are you, young gentlemen, willing to be regarded as boys? To be treated as boys who are not old enough to know how to behave yourselves? No! I have disdained, on your behalf, to consider the subject in this light. You are old enough and have sense enough to see this matter in its true light. Many of you have not so seen it heretofore, because you have been badly instructed. Partly from the practice at other institutions where you have been educated, partly from association with rough companions in all parts of the country, and much more from inheritance of a vicious practice which has so long been indulged here, you have imbibed false notions of the character of this practice. But now, since the view of it entertained by all those in authority has been clearly pointed out to you, I shall not give my assent to the proposition that you are not old enough to understand it, or that you are not men and gentlemen enough to accept and act upon it. If the time ever comes when the corps of cadets must be treated like boys instead of like men and gentlemen, then I shall retire and leave the application of the ferrule or the birch to some one else.

I have spoken to you, gentlemen, thus plainly because it is my duty as your instructor to make the matter as plain to you as possible, and my duty as your commander to leave you in no doubt of the requirements of the Government as to your future conduct. I have done so the more freely and without reserve because I acquit you of the primary and chief responsibility for the custom which I so strongly condemn. I trust we now clearly understand each other and know what our line of conduct in the future must be.

ANNUAL REPORT OF GEN. WESLEY MERRITT TO THE ADJUTANT-GENERAL  
WAR DEPARTMENT, OCTOBER 3, 1883.

[Extract.]

The practice of hazing, some instances of which have come to the knowledge of the authorities during the year, may deserve a passing notice in a report of this character. I observe that my predecessors for the last twenty-five years have reported at one time or another that the practice has been broken up. I am sorry to believe that they have without exception been mistaken. By repressive measures the evil has at times been restricted to its lowest limits, but it has never been eradicated. Just the moment repression has ceased the brutal custom has sprung up with new features of brutality. While I do not favor threats to repress disorders, or pledges from cadets as a means of eradicating violations of the regulations, I am certain that the best means of maintaining discipline in any organization is the certainty of a summary punishment, just but severe, in all cases of intentional offense. If cadets wantonly violate the regulations in anything which involves their dismissal, they do so under one or another of the convictions that they will not be detected or that some influence will prevent their punishment. In this matter of hazing, the authorities here will indulge in no half-hearted means to detect the offenders. In the matter of punishment the experience of the past should convince the guilty that they may not expect mercy from the War Department. Under these circumstances I see no reason why the pernicious practice may not permanently be put an end to.

REPORT OF GENERAL ERNST, DATED SEPTEMBER 7, 1895.

[Extract.]

The evil of hazing is one of long standing here. The situation is different from that at Harvard or other similar great institutions. At those places are congregated a very large number of young men, many of whom never become known to each other. The newcomers take their places quietly, not presenting any great difference in personal appearance, and not being suddenly and forcibly injected into the daily life of the older students. Here the number of young men is small; none can be looked upon by the others with indifference, and the new cadets are immediately brought into close personal contact with the older ones in camp, at drill, at meals, etc. A year's training at the academy makes a marked contrast in manners and bearing, and often in ideas of virtue and honor, between the older cadets and the new. A feeling of superiority exists here with the older cadets to a greater degree than at Harvard, the temptation to show it is greater, and when it takes the vicious form of hazing the opportunities for indulging it are greater. The failure of the authorities to put a stop to it should not be judged by the state of affairs at Harvard.

It has been my endeavor, as it has that of the commandant of cadets, to eradicate the evil or at least to reduce it and prevent its grosser forms. Every form of it has been forbidden and has been punished, but I have not been sanguine of complete eradication while the conditions continue the same and human nature remains what it is. \* \* \*

The measures now employed to repress hazing will probably result in its further reduction and restriction. More severe punishments can, of course, be applied, but they will hardly be more effective than the present ones, unless made thoroughly drastic, such, for example, as summary dismissal by the superintendent. The remedy most available seems to lie in continued vigilance, increased if possible, in the detection of offenders.

Proceedings of a board of officers convened at West Point, N. Y., pursuant to the following order.

Special Orders, No. 137.

HEADQUARTERS UNITED STATES MILITARY ACADEMY,  
West Point, N. Y., July 16, 1908.

[Extract.]

1. Under paragraph 128 of the regulations for the United States Military Academy, a board of officers to consist of Lieut. Col. Robert L. Howze, commandant of cadets; Capt. Morton F. Smith, Twentieth Infantry; Capt. Charles P. Summerall, Second Field Artillery, will assemble at West Point, N. Y., at 10 o'clock a. m. on Friday, the 17th instant, or as soon thereafter as practicable. Capt. George S. Simonds, Twenty-second Infantry, will act as recorder of the board.

The board will make a careful investigation to determine whether or not the regulations for the United States Military Academy referring to hazing are being strictly observed by cadets, and to this end will call before it all persons who may be necessary. The board will submit a written report of the result of its investigations.

By order of Colonel Scott:

J. S. HERRON,  
Captain, Second Cavalry, Adjutant.

WEST POINT, N. Y., July 18, 1908.

The board met, pursuant to the foregoing order, at 4 p. m. Present: Lieut. Col. Robert L. Howze, commandant of cadets; Capt. Charles P. Summerall, Second Field Artillery; Capt. George S. Simonds, Twenty-second Infantry, recorder. Absent: Capt. Morton F. Smith, Twentieth Infantry, on duty on the target range.

The board then called before it the following cadets:

Of the first class: Cadet Capt. Gerble, Cadet Acting Sergeant Gee, Cadet Privates Anderson and Colley.

Of the third class: Cadet Corporal Hicks, F. H., Cadets Privates Sandeford, Hatch, Cowles, Jones, B. Q., and Flint.

Of the fourth class: Cadet Privates Edwards, E. C., Hocker, Harrison, and Smith, J. N.

The order convening the board and paragraphs 128 and 143, Regulations for the United States Military Academy, were read to them collectively, and they were called individually and the following oath administered to each one:

"You do swear that the evidence you shall give before this board of investigation shall be the truth, the whole truth, and nothing but the truth; so help you God."

After which the following or similar questions were asked them generally:

1. Do you understand the meaning of the term "hazing?"

2. Do you believe that there are at present any violations of the regulations concerning hazing?

3. In what do these violations consist?

4. Have you seen or heard of any cases in which upper class men have gone to fourth class men's tents and required them to assume constrained positions? If so, describe the occurrences and name the participants.

5. Have you seen or heard of any cases in which fourth class men have been required to go to upper class men's tents and assume constrained positions? If so, describe the occurrences and name the participants.

6. Have you seen or heard of any cases in which fourth class members of the detachment of the guard, taking its meals separate from the battalion, have been annoyed or interfered with in any way? If so, describe the occurrences and name the participants.

7. Have you seen or heard of any cases in which fourth class men reporting their departure at the guard tent have been annoyed or interfered with? If so, describe occurrences and name participants.

8. Are fourth class men required by upper class men to work most of their spare time on their own equipment, forbidden to go out of camp in the afternoon or to take a nap, or forbidden to make down their beds until a certain time in the evening?

9. Have you seen or heard of any cases in which fourth class men have made down beds for upper class men? If so, describe the occurrences and name the participants.

10. Have you seen or heard of any cases in which fourth class men have been required or permitted to perform menial service for upper class men?

11. Have you seen or heard of any cases in which fourth class men have cleaned rifles or equipments for upper class men? If so, describe the occurrences and name the participants.

12. Have you seen or heard of any cases in which fourth class men have carried water for upper class men? If so, describe occurrences and name participants.

13. Have you seen or heard of any other cases of menial service? If so, describe occurrences and name participants.

14. Have you seen or heard of any cases in which fourth class men have been given punishments of any kind? If so, describe occurrences and name participants.

Capt. Morton F. Smith, Twentieth Infantry, arrived before any material part of the evidence had been taken and took his seat as a member of the board.

The board continued taking evidence until 6.45 p. m., when it adjourned to meet at 8.30 p. m.

GEO. S. SIMONDS,  
Captain, Twenty-second Infantry, Recorder.

WEST POINT, N. Y., July 20, 1908.

The board met pursuant to adjournment at 8.30 p. m., all the members and the recorder being present.

The board proceeded to an examination of all the evidence. From a careful consideration of all the evidence submitted the board finds the following facts:

1. That cadets generally understand the meaning of the term "hazing," as defined in the Regulations for the United States Military Academy.

2. That minor violations of these regulations are being committed, such as asking fourth class men foolish questions, interfering with them at the guard tent, keeping them in camp during the afternoons to work on their equipments, forbidding them to go to bed until after tattoo, most of which practices seem to be the result of understood customs rather than specific orders.

3. That the following serious violations of the regulations have been practiced during this encampment:

- Menial service.
- Punishments.

#### MENIAL SERVICE.

- Requiring, permitting, or inviting fourth class men to make down beds for upper class men.
- Requiring, permitting, or inviting fourth class men to clean rifles and equipments for upper class men.
- Requiring, permitting, or inviting fourth class men to carry water for upper class men.
- Requiring, permitting, or inviting fourth class men to sweep out tents for upper class men.

#### PUNISHMENTS.

- Compelling them to assume constrained positions as a punishment. This refers to an exaggerated position of attention, commonly called "bracing."
- Compelling them to double time, as a punishment for falling to be out of their tents at first call, a definite number of tours between their tents and the fourth class sink.
- Compelling fourth class men to perform other duties as a punishment.
- Compelling fourth class men to pick up ants in the company street and to wrestle with each other as a punishment and for the amusement of upper class men.
- Challenging them to fight by offering to give them satisfaction, personal or otherwise, if said fourth class men are not satisfied with the treatment accorded them by upper class men.

With reference to more serious violations, the practices seem to differ somewhat in different companies, but it may be said that there have been several cases of menial services in some form, and punishments by bracing are general throughout the corps.

From a careful consideration of the above evidence obtained from all the classes now present in the corps, the board find, in addition to the general facts above stated, the following specific cases of hazing:

#### ROSSELL.

Requiring or permitting fourth class men to perform menial service by folding his cot and sweeping out his tent.

Laying hands upon and treating with violence fourth class men; pushing his hand into the stomachs and chins of said fourth class men while bracing them as punishment.

Tyrannizing over fourth class men; challenging them to fight by offering to give them satisfaction, personal or otherwise, if said fourth class men were not satisfied with the treatment accorded them by upper class men.

Tyrannizing over and humiliating fourth class men; requiring them to collect certain number of ants from a tree and on the ground in the vicinity of his tent; and requiring fourth class men to wrestle between the tents for his amusement and that of other upper class men.

Entering the tents of fourth class men for the purpose of annoying, harassing, and punishing said fourth class men by bracing them severely.

#### B. Q. JONES.

Requiring fourth class men of his company to double time back and forth from company street to sink as a punishment, between June 12 and July 11, 1908.

#### H. G. WEAVER.

Tyrannizing over fourth class men; challenging them to fight, by offering to give them satisfaction, personal or otherwise, if said fourth class men were not satisfied with the treatment accorded them by upper class men.

Tyrannizing over fourth class men; commandant of table, requiring or permitting him to sit for a period of time with feet raised to the bottom of dining table while at meal.

Entering the tent of fourth class men for the purpose of annoying, harassing, and punishing said fourth class man by bracing him severely.

Laying hands upon and treating with violence another cadet; pushing his hand into the stomach and chin of a fourth class man while bracing him as punishment.

#### G. W. CHASE.

Inviting and permitting fourth class men to perform menial service for him by making down his bed during the last week in June and on or about July 13, 1908.

#### PRUDE.

Requiring fourth class men to "brace" for definite periods of time as punishment.

Entering the tents of fourth class men for the purpose of annoying, harassing, and punishing said fourth class men by bracing them severely.

## I. SPALDING.

Laying hands upon and treating with violence another cadet; pushing his hand into the stomach and chin of a fourth class man while bracing him as a punishment.

Tyrannizing over a fourth class man; challenging him to fight by offering him satisfaction, personal or otherwise, if said fourth class man was not satisfied with the treatment accorded him by upper class men.

Entering the tent of a fourth class man for the purpose of annoying, harassing, and punishing said fourth class man by bracing him severely.

## NALLE.

Entering the tent of fourth class men for the purpose of annoying, harassing, and punishing said fourth class men by bracing them and requiring them to stand on their toes for periods of time.

## J. A. GILLESPIE.

Laying hands upon and treating with violence another cadet; pushing his hand into the stomach and chin of a fourth class man while bracing him as punishment.

Tyrannizing over a fourth class man; challenging him to fight by offering him satisfaction, personal or otherwise, if said fourth class man was not satisfied with the treatment accorded him by upper class men.

Entering the tent of a fourth class man for the purpose of annoying, harassing, and punishing said fourth class man by bracing him severely.

The evidence in the above cases is conclusive. In the cases of Cadets Rossell and Jones, B. Q., it is supported by the testimony of practically every fourth class man in their respective companies, and by the testimony of practically every upper class man who was called before the board.

The practice of double-timing tours, inaugurated by Cadet Jones, B. Q., has been kept up from the beginning of camp until about a week ago. The evidence shows that he has caused every fourth class man in his company, except one, to undergo this punishment, and that as many as 18 tours have been run off consecutively.

The evidence further shows that these serious violations of the regulations have come into vogue during the present encampment, and that they have increased in frequency and severity down to the present time.

In view of the serious nature of these offenses, of the flagrant manner in which they were committed, and of the sudden occurrence and rapid growth of these former practices of hazing, which in the past few years had been entirely stamped out, the board is of the opinion that immediate action is imperative, and recommends that Cadets William T. Rossell, jr., and Harry G. Weaver, first class, United States Military Academy, and Cadets B. Q. Jones, G. W. Chase, William W. Prude, Isaac Spalding, W. Nalle, jr., J. A. Gillespie, third class, United States Military Academy, be summarily dismissed.

The board then, at 5.45 p. m., adjourned sine die.

ROBT. L. HOWZE,  
Lieutenant-Colonel, U. S. Army, Commandant of Cadets.  
MORTON F. SMITH,  
Captain Twentieth Infantry.  
C. P. SUMMERALL,  
Captain, Second Field Artillery.  
GEO. S. SIMONDS,  
Captain, Twenty-second Infantry, Recorder.

Approved July 21, 1908, at West Point, N. Y.

H. L. SCOTT,  
Colonel, U. S. Army, Superintendent.

## Special Orders, No. 141.

HEADQUARTERS UNITED STATES MILITARY ACADEMY,  
West Point, N. Y., July 21, 1908.

2. In accordance with the approved findings and recommendations of a board of officers convened under paragraph 128, Regulations United States Military Academy, by Special Orders, No. 137, current series, these headquarters, and consisting of Lieut. Col. Robert L. Howze, commandant of cadets; Capt. Morton F. Smith, Twentieth Infantry, senior instructor of infantry tactics; Capt. Charles P. Summerall, Second Field Artillery, senior instructor of artillery tactics, and Capt. George S. Simonds, Twenty-second Infantry, recorder, and in obedience to an act of Congress, approved March 3, 1901 (31 Stat. L., 911), to prevent the practice of hazing at the Military Academy, and under authority contained in paragraph 130, Regulations United States Military Academy, the following-named cadets will proceed forthwith to their homes, there to await the action of the Secretary of War:

Cadets William T. Rossell, jr., and Harry G. Weaver, first class, and Byron Q. Jones, George W. Chase, jr., William W. Prude, jr., Isaac Spalding, William Nalle, jr., and James A. Gillespie, third class.

By order of Colonel Scott:

J. S. HERRON,  
Captain, Second Cavalry, Adjutant.

HEADQUARTERS UNITED STATES MILITARY ACADEMY,  
West Point, N. Y., July 21, 1908.

SIR: I have the honor to forward herewith proceedings of a hazing board which I have approved, and thereafter issued the inclosed order. This action has been made necessary by the law and by the fact that the practice of hazing, always latent in every educational institution, and which has been kept down heretofore with effort, suddenly started up within a short while, and needs an energetic and radical action to prevent its further spread. It has been kept so secret that it was not until after this board had begun its work that it was known the practice had partially revived, and nothing but prompt and severe treatment will avail to keep it down.

Very respectfully,

H. L. SCOTT,  
Colonel, U. S. Army, Superintendent.

THE ADJUTANT GENERAL, U. S. Army,  
War Department, Washington, D. C.

WAR DEPARTMENT,  
Washington, July 23, 1908.

MY DEAR MR. LOEB: Herewith I beg to hand you a letter from the Superintendent of the Military Academy, inclosing proceedings of a hazing board recommending the dismissal of a number of cadets. As shown by inclosed printed order, these cadets have been directed to proceed to their homes to await the action of the Secretary of War. I have the honor to submit this matter for the consideration of the Pres-

ident, attention being invited to the following provision of law governing the subject of hazing at the Military Academy:

"The Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member." (Act of March 3, 1901, 31 Stat. L., 911.)

The return of the inclosed papers is requested, with such instructions of the President as he may care to issue.

Very truly, yours,

ROBERT SHAW OLIVER,  
Acting Secretary of War.

MR. WILLIAM LOEB, JR.,  
Secretary to the President, The White House.

OYSTER BAY, N. Y., July 23, 1908.

MY DEAR SECRETARY: Returning herewith the papers in the hazing cases at the Military Academy, which accompanied your letter of the 22d instant, I beg to state that the President approves of the action taken.

Very truly, yours,

WM. LOEB, JR.,  
Secretary to the President.

HON. ROBERT SHAW OLIVER,  
Acting Secretary of War.

HEADQUARTERS UNITED STATES MILITARY ACADEMY,  
West Point, N. Y., August 15, 1908.

MY DEAR MR. SECRETARY: When we parted in New York I understood that you intended to send the papers in the case of the cadets, with your indorsement containing certain specific directions, back here for compliance and return the results to you for the necessary action and in this way preserve the sequence and record.

I find, however, upon my return from the test ride at Fort Ethan Allen that no papers have arrived, and a purported interview in the newspapers seems to convey the idea that you were waiting for some independent action on my part, which leaves me in doubt as to whether I am to wait for the papers and written instructions or not, but I would greatly prefer to get them.

Very sincerely, yours,

H. L. SCOTT,  
Colonel, U. S. Army, Superintendent.

HON. LUKE E. WRIGHT,  
Secretary of War, Washington, D. C.

WAR DEPARTMENT,  
Washington, August 17, 1908.

MY DEAR COLONEL SCOTT: I have your letter of the 15th instant with reference to the West Point hazing cases. You will recall that at our interview with the President he expressed a desire to have a reconsideration of the cases of all the cadets except the two first class men, and that a recommendation be made that the other six be turned back a year. I have been expecting to get a recommendation from you to this effect. I return herewith the principal papers in the case; that is, the record of the evidence obtained from the witnesses, the proceedings of the board, and the finding. I suggest that it might be well for you to send your recommendations to me based on our last conversation with the President at Oyster Bay. I recall that you stated that one man was a worthless sort of fellow, and probably it will be in the interests of the service to take advantage of this opportunity to get rid of him.

I trust you will take this matter up as soon as possible, as I am anxious that the matter should be ended.

Very sincerely, yours,

LUKE E. WRIGHT.

COL. HUGH L. SCOTT,  
Superintendent U. S. Military Academy, West Point, N. Y.

AUGUST 19, 1908.

MY DEAR MR. PRESIDENT:

In talking this case over with Colonel Scott to-day it seems that his principal reason for recommending the expulsion of Cadet Jones is that he assumed to direct the plebes to fall into line at the first call, which was asserting the functions of an officer of the academy. At the same time he tells me that Jones is really one of the strongest characters and most promising cadet in his class. Indeed, on asking him the question, he said that in case he was called upon to raise a regiment for actual war he would rather have Rossell and B. Q. Jones for captains than any two youngsters in the academy. Undoubtedly Jones was guilty of serious misconduct in giving such an order to some or all of the plebes. At the same time, in my judgment, it can not be called hazing within the definition of that term as used in the Standard Dictionary. I have therefore concluded that there is no good reason why Jones should not be allowed to remain in the academy upon the terms and with the punishment hereafter suggested.

Rossell and Weaver are the suspended first class men. The former stands high in his class and is altogether a forceful and, I think, a manly chap. \* \* \* Rossell seems to have been a ringleader in interfering with the plebes, and in at least one instance, and probably more, laid hands upon them, although not violently, and intimidated, when objection was made, that the victim should either submit or fight. This probably brings him directly within the law, and I see no other course than that he should go. Weaver seems to have been not quite so pronounced in his behavior, although he was guilty of practically the same thing as Rossell. The remaining cadets are, I believe, third class men.

It seems to me that in dealing with these young men their difference in age and their length of service in the academy should be given consideration. Rossell and Weaver, as first class men, are much more mature, both in age and knowledge of the rules and consequence of their infraction, while the third class men had just ceased to be plebes; and, as they all say, and I have no doubt is the fact, were simply deviling the newcomers just as they themselves had been treated, and probably without any real reflection or perhaps knowledge of the gravity of their offenses as laid down in the rules. Under these circumstances I think a clear distinction should be drawn between the offenders belonging to the first and third classes.

The act of Congress that forbids hazing and directs regulations to be made by the authorities of the academy does not prescribe what hazing

is. This is not a technical term, and we can only ascertain the meaning of the word by reference to the standard dictionaries. Webster's International Dictionary defines hazing "To harass or annoy by playing abusive or shameful tricks upon; to humiliate by practical jokes; used especially on college students; as, the sophomores hazed a freshman." The Century and Standard dictionaries give practically the same definition. Now, none of the acts shown to have been committed by these young men come within this definition of hazing. The evidence shows that while the offenders directed the plebes to "brace"—that is, stand at attention with their shoulders thrown back—rub buckles, clean guns, bring water from the spring, fall in at the first assembly call instead of five minutes later at the second call, still none of these acts can hardly be fairly brought within this definition. They all undoubtedly were improper interference with the plebes, constituting an assumption of authority over them in direct conflict with the regulations, for which severe punishment should be meted out. But the act of Congress which forbids hazing is extremely drastic in character, in that it provides that any cadet found guilty of hazing shall be summarily dismissed from the academy, and in addition shall not be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member. This being so, I do not feel that it is just to extend the operations of this severe statute by implication, especially in view of the fact that, in my judgment, the offenses of which these young men were undoubtedly guilty can be adequately punished without resorting to the extreme penalty of expulsion. It is the certainty of punishment rather than the severity that deters the commission of offenses. At the same time it should be made very clear to all the young men at the academy that obedience to the regulations imposed and the observance of a proper deportment toward the younger members is exacted.

I therefore recommend that Cadets Rossell and Weaver be dismissed from the academy, and that the other six be suspended with loss of all pay and allowances until June 15, 1909, when they will join the then third class. This is the course recommended by Colonel Scott, and I am inclined to think with him that it will be better to have them remain in their homes during the year of suspension rather than to go over the same course which they have just finished, which would be the case were they turned back a year and allowed to remain at the academy. He tells me that this is the usual procedure in such cases.

Sincerely, yours,

LUKE E. WRIGHT,  
Secretary of War.

The PRESIDENT,  
Oyster Bay, N. Y.

DEFINITIONS OF HAZING.  
STANDARD DICTIONARY.

HAZE, *verb.* 1. To subject to sportive maltreatment; make the victim of severe practical jokes; play pranks upon; put through a harsh mock discipline; said of a student at a school or college.

"Quickly following my admission I was broken in by a course of hazing."—Memoirs of Lieutenant General Sheridan, volume 1, chapter 1, page 9.

2. To punish or harass by the imposition of excessively heavy or disagreeable tasks; said chiefly of seamen.

CENTURY DICTIONARY.

1. To harass with labor; punish with unnecessary work, as a seaman. "Every shifting of the studding sails was only to haze the crew." (R. H. Dana, *Two Years Before the Mast*, p. 50.)

2. To play mischievous or abusive tricks on; try the pluck or temper of, especially by physical persecution, as lower-class students in a college, or newcomers in an establishment of any kind.

"'Tis the sophomores rushing the freshmen to haze." (Poem before *Iadma*, quoted in *College Words*, p. 251.)

WEBSTER'S INTERNATIONAL DICTIONARY.

1. To harass by exacting unnecessary, disagreeable, or difficult work.  
2. To harass or annoy by playing abusive or shameful tricks upon; to humiliate by practical jokes—used especially of college students; as, the sophomores hazed a freshman.

OYSTER BAY, N. Y., August 20, 1908.

MY DEAR GENERAL WRIGHT: I cordially approve of what you say in your letter, and direct accordingly that Cadets Rossell and Weaver be dismissed from the academy and that the other six be suspended with loss of all pay and allowances until June 15, 1909, when they will join the then third class; and suggest that, if necessary, all of your letter, excepting the first paragraph, be given to the public.

Sincerely, yours,

THEODORE ROOSEVELT.

HON. LUKE E. WRIGHT,  
Secretary of War.

These papers relating to discharge of cadets seen by Assistant to the Chief of Staff to-day. The Chief of Staff is not in his office.

AUGUST 22, 1908.

H. P. MCC., A. G.

House Military Committee (60th Cong., 2d sess.) requests report on House bill No. 23448, authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver, as cadets in the United States Military Academy.

Received from War Department marked "A. G."

[First indorsement.]

WAR DEPARTMENT,  
THE ADJUTANT-GENERAL'S OFFICE,  
Washington, December 14, 1908.

Respectfully referred to the Superintendent United States Military Academy, West Point, N. Y., for remark.

By order of the Secretary of War:

F. C. AINSWORTH,  
The Adjutant-General.

[Received back, A. G. O., December 20, 1908.]

HEADQUARTERS UNITED STATES MILITARY ACADEMY,  
West Point, N. Y., December 19, 1908.

Respectfully returned to The Adjutant-General, United States Army, War Department, Washington, D. C.

The subject of hazing has always been a most difficult one and productive of much trouble in the past. Its consequences are not to be at all compared with similar acts committed in a civilian college or university. The records show that the superintendents for more than forty years have endeavored in vain to completely abolish it. A few years ago it brought about a congressional investigation and a special law against it. This caused a cessation for a time, but it is always liable to crop out suddenly, and should be kept down with a strong hand, and the authorities here should be supported by the higher authorities or it will work great damage to the discipline and good name of the Military Academy. It is against the sentiment of the American people, whose school this is and who have forbidden it through their Congress by a special act.

The dismissal of these cadets was recommended regretfully after an investigation by a board of officers, which gave the subject the most careful consideration. The cadets were well aware of the consequences of their acts; they had had the benefit of three years' instructions and were within a year of their graduation when, if ever, they should have attained sufficient dignity and sense of responsibility to their Government to prevent them from such acts; and as much as the consequences to the cadets themselves are regretted, it is impossible to recommend any action that will permit the cadets of West Point to believe that the acts of Congress do not mean what they purport and can be violated with impunity.

H. L. SCOTT,  
Colonel, U. S. Army, Superintendent.

[Third indorsement.]

To the Chief of Staff.

F. C. A.

The A. G. O., December 21, 1908.

[First indorsement—On original.]

WAR DEPARTMENT,  
Washington, December 21, 1908.

Respectfully returned to the chairman Committee on Military Affairs, House of Representatives, United States.

I have no objection to the passage of this bill, and think that the punishment already inflicted is ample for the offense.

LUKE E. WRIGHT,  
Secretary of War.

(Papers left in office of Secretary of War (with Mr. Randolph) for record and mailing, December 23, 1908. F. C. A.)

TO WAR DEPARTMENT:

Senate Military Committee (60th Cong., 2d sess.), by L. M. Wells, assistant clerk, requests report on Senate bill No. 7486, authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy.

Received from War Department marked "The A. G."  
(Placed on suspended file till December 18, to await report from Superintendent Military Academy, on A. G. 1462289. W. L. E.)

(Taken up for action December 21, 1908.—First indorsement.—To the Chief of Staff. The Adjutant-General's Office, December 21, 1908. F. C. A.)

[Second indorsement.]

WAR DEPARTMENT,  
Washington, December 21, 1908.

Respectfully returned to the chairman Committee on Military Affairs, United States Senate.

I have no objection to the passage of this bill, and think that the punishment already inflicted is ample for the offense.

LUKE E. WRIGHT,  
Secretary of War.

(Papers left in the office of the Secretary of War (with Mr. Randolph) for record and mailing, December 23, 1908. F. C. A.)

[Telegram.]

WASHINGTON, D. C., December 30, 1908.

I understand the academic board at West Point proposes to drop \_\_\_\_\_, first class man from Rhode Island. As his demerits are only a bare fraction over the limit prescribed by the board, I hope he may be given another chance.

HON. LUKE E. WRIGHT,  
Secretary of War, Washington, D. C.

GEO. PEABODY WETMORE, U. S. S.

[Telegram.]

CHATTANOOGA, TENN., December 29, 1908.

Please delay action in matter of dismissal of cadet from West Point until Tuesday next, when I will see you; am anxious for retention of \_\_\_\_\_, an appointee on personal grounds of the President.

The SECRETARY OF WAR,  
Washington, D. C.

JOHN A. MOON.

[Telegram.]

CHATTANOOGA, TENN., December 29, 1908.

Please suspend action on Cadet \_\_\_\_\_, dismissed from West Point on account of failure in examination, till I can confer with you on Monday next.

HON. LUKE E. WRIGHT,  
Secretary of War, Washington, D. C.

J. B. FRAZIER.

WASHINGTON, D. C., December 31, 1908.

SIR: I have the honor to submit the following communication: In the recent examination held at West Point I was declared deficient in conduct, as I received seven more than the number of demerits allowed for the six months ending November 30, 1908.

These demerits were not received for any offense which could in any way affect my standing as an officer and a gentleman, but for infractions of minor regulations which were in many cases unintentional.

Also, I was not aware that I was in danger of exceeding the allowed number until I had done so.

The offenses committed by me were not committed in a spirit of indifference or insubordination, but were due principally to thoughtlessness and to the fact that I did not realize the importance of the regulations which I broke.

For the aforementioned reasons, I request that clemency be shown me in this matter, and that if possible some other punishment be substituted for that of dismissal, which would prevent my following a career for which I have been preparing for the last four years and which has been the one aim of my life up to the present time.

Very respectfully,

*Cadet Private, Company A, First Class, U. S. C. C.*

The SECRETARY OF WAR  
(Through military channels).

[First indorsement.]

HEADQUARTERS UNITED STATES MILITARY ACADEMY,  
*West Point, N. Y., December 2, 1908.*

Respectfully referred, by direction of the superintendent, to the commandant of cadets for remark and recommendation.

J. S. HERRON,  
*Captain, Second Cavalry, Adjutant.*

[Second indorsement.]

HEADQUARTERS UNITED STATES CORPS OF CADETS,  
*West Point, N. Y., January 4, 1909.*

Respectfully returned to the adjutant, United States Military Academy, recommending that this application be disapproved.

Whenever at any time this cadet had more demerits than an average of 18 per month he was duly notified. He had free access to the books which exhibit the number of demerits cadets have, provided he was not serving special punishment. In that case it would have been a simple matter for him to have prevailed upon a classmate to get the information; further, he could have gotten the information by applying directly to this office.

The facts are that at the end of October he did not have a monthly average of 18 demerits, but during November, the last month of the six-month period, he committed offenses which resulted in his receiving some 41 demerits. It is evident that during this last month he deliberately and purposely disregarded the regulations in every way that he possibly could, going so far as to commit an intentional breach of confinement, for which he was awarded two months' special confinement and 10 demerits. This cadet has been not only indifferent to the observance of the regulations, but he has shown a thorough disregard of them, increasing in these respects as he has advanced in his cadetship.

The total number of demerits recorded against this cadet was 123. His case was carefully considered by a board of officers, which called upon him and weighed every claim and statement he had to make concerning the demerits recorded against him, and after giving him the benefit of all doubt recommended that 8 demerits be removed, which recommendation was approved. All but one member of the board voted upon the merits of this cadet's case without knowing the number of demerits involved. The board acted conscientiously, guarding well the cadet's interests, and at the same time the interests of the academy; if it erred at all it was distinctly on the side of leniency toward the cadet. The limit of demerits which a cadet may get during the six months is 108. This limit is sufficiently large for any cadet who desires and tries at all to keep within it—in fact, there was a distinct liberality shown in fixing this high limit.

The regulations concerning discipline have with but few modifications been enforced since the beginning of the academy; without the proper enforcements of these regulations the ends intended would not be accomplished; it would not be a fit place for the training of young men in the observance of discipline and the military regulations, and the good men of the country would not want their sons trained here. The aim of the institution would miss its mark. Fortunately, from the beginning and up to the present time when a cadet has without any doubt so violated the rules and regulations as to have received a number of demerits in excess of the authorized allowance he has invariably been discharged, and, I think, never reinstated or even turned back to another class.

The strict enforcement of these regulations is the main sustaining principle upon which the good name and reputation of the academy depend, and there should under no circumstances be any divergence therefrom. The fact that this is a military academy should not be lost sight of, and it is my fixed opinion that a young man, while in the atmosphere which surrounds him here, who so disregards the requirements of discipline and is declared deficient therein can rarely, if ever, make an efficient and capable officer, fitted for the serious responsibilities which will be imposed upon him. There are other and better young men ready to take his place, and certainly they should be given a chance to do so.

Should cadets who have been declared deficient in conduct be returned the effects on discipline would be seriously felt, and the respect which cadets should and at present do have for the authorities here would be very much lowered. Under no circumstances should cadets so discharged be reinstated.

ROBERT L. HOWZE,  
*Lieutenant-Colonel, U. S. Army, Commandant of Cadets.*

[Third indorsement.]

HEADQUARTERS UNITED STATES MILITARY ACADEMY,  
*West Point, N. Y., January 9, 1909.*

Respectfully referred to The Adjutant-General United States Army, War Department, Washington, D. C., inviting attention to the report of the academic board, which included consideration of the case of Cadet \_\_\_\_\_, first class, United States Military Academy, forwarded to The Adjutant-General United States Army, this date.

H. L. SCOTT,  
*Colonel, U. S. Army, Superintendent.*

THE WHITE HOUSE,  
*Washington, January 4, 1909.*

There are five young men who have been recommended for dismissal by the academic board at West Point for what seems to me insufficient

reasons. They are Cadets \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

Can not the academic board be reconvened to consider again its action, so far as relates to these men? It seems to me that the needs of the service can be met by some arrangement less than discharge. I think it would be an entirely needless hardship to turn these boys out. If necessary, let them each go back one year.

THEODORE ROOSEVELT.

The WAR DEPARTMENT.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF STAFF,  
*Washington, January 5, 1909.*

[Memorandum for The Adjutant-General.]

The Secretary of War directs that this letter of the President's be transmitted to the Superintendent of the Military Academy, with directions to reconvene the academic board for the purpose mentioned therein.

J. F. BELL,  
*Major-General, Chief of Staff.*

[First indorsement.]

WAR DEPARTMENT,  
THE ADJUTANT-GENERAL'S OFFICE,  
*Washington, January 5, 1909.*

Respectfully referred to the Superintendent United States Military Academy, West Point, N. Y., with directions to reconvene the academic board for the purpose of considering again its action in the cases of these cadets.

By order of the Secretary of War:

F. C. AINSWORTH,  
*The Adjutant-General.*

[Second indorsement.]

HEADQUARTERS UNITED STATES MILITARY ACADEMY,  
*West Point, N. Y., January 9, 1909.*

Respectfully returned to the Adjutant-General, U. S. Army, War Department, Washington, D. C., inviting attention to the inclosed report of the academic board herewith.

H. L. SCOTT,  
*Colonel, U. S. Army, Superintendent.*

Received back Adjutant-General's Office January 10, 1909, with one inclosure to second indorsement.

Informally to the Chief of Staff, January 11, 1909.

Received back, Adjutant-General's Office, January 13, 1909, with one additional inclosure, memorandum from Chief of Staff, as follows:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF STAFF,  
*Washington, January 11, 1909.*

MEMORANDUM FOR THE ADJUTANT-GENERAL.

The Secretary of War directs that the recommendations of the academic board contained in the last paragraph of its report, dated January 9, 1909, herewith, be carried out, by order of the President.

J. F. BELL,  
*Major-General, Chief of Staff.*

HEADQUARTERS UNITED STATES MILITARY ACADEMY,  
*West Point, N. Y., January 9, 1909.*

The academic board of the United States Military Academy, having before it the letter of the President of the United States of January 4, 1909, concerning the cases of Cadets \_\_\_\_\_ and \_\_\_\_\_, of the first class, \_\_\_\_\_ and \_\_\_\_\_, of the third class, deficient in discipline, and Cadet \_\_\_\_\_, of the third class, deficient in mathematics and drawing, desires to submit for his consideration the following presentation of the principles which have guided it in these and similar cases, and of the particular circumstances attending each of the cases under advisement.

In a great military school of the importance and high standing of this institution, the board conceives that one of its chief functions is the disciplinary training it confers and its efficiency as a character-forming mechanism. These attributes, which above all others go to the development of an efficient officer whose duties concern the command, the guidance, the well-being, and even the lives of those under him, and upon whom the country relies in time of emergency for the exhibition of the highest qualities of mind and character, are essentially matters of discipline, of self-control, of a sense of responsibility, and of conformity to law and authority.

These qualities are acquired only by habit and under an impartial enforcement of the regulations and orders which govern their daily duties. This disciplinary influence is progressive and cumulative and should, before the student is intrusted with command, have been assimilated and should have been productive of results sufficient to justify the authorities in certifying that he has qualified for the responsibility of command as an officer of the United States Army. Failure to show this acquirement on the part of the individual becomes increasingly reprehensible and indicative of incapacity for responsibility in proportion to the length of the period of probation.

During the first year of cadet service every leniency is shown in the consideration of the disciplinary shortcomings of the novice, and he is given abundant opportunity to adjust himself to the conditions of military service and requirements. During the second year the responsibilities are increased, the novitiate has been passed, and the cadet is familiar with the obligations and regulations and the necessity of conforming thereto. From that time forward, ignorance of the requirements of his environment are no longer to be pleaded in extenuation. Whatever breaches of discipline are committed are done with a full knowledge of their character and the consequences involved. By the time the cadet has attained the dignity of a first class man (corresponding to that of senior in college) not only has he become experienced in the exactions of the military life, but he has attained maturity of mind and of body; he is about to assume command and its responsibility. Furthermore, in the administration of discipline by cadet officers, as a cadet advances in class rank he is reported with much less frequency for trifling violations of discipline.

When a first class man, therefore, receives so many reports as to endanger his status it indicates a very high degree of carelessness and indifference to regulations.

Prior to this year, since 1884, but one first class man has been deficient in conduct.

In this connection, the board observes the fact that these cadets are no longer boys, but have attained the age of manhood. The actual ages of the four individuals now deficient in discipline are as follows: Cadets \_\_\_\_\_ and \_\_\_\_\_, first class, are, respectively, 22 years 11 months and 23 years 5 months of age. Cadets \_\_\_\_\_ and \_\_\_\_\_, third class, are, respectively, 23 years 1 month and 22 years 5 months of age. Cadet \_\_\_\_\_ is not in the same category, but is deficient in two studies, and his case will be referred to subsequently.

It has been urged in reference to the deficiency of these cadets in conduct that they have exceeded the limit by only a few demerits. In the first place, the limit of demerits fixed by the regulations of the Secretary of War is exceedingly liberal, and no cadet at any time, with reasonable attention to his duties, need come anywhere near the danger limit. The limit is made thus liberal for the purpose of affording no excuse to those who exceed it. The same plea could be urged in extenuation of a slight excess of any limit whatever, no matter how liberal it might be. To show that this plea is not valid in these cases, the board wishes to state the fact that the average number of demerits of the other cadets in the first class was 32, Cadets \_\_\_\_\_ and \_\_\_\_\_ having received, respectively, 118 and 123. Their final showing of 109 and 115, respectively, was due to the fact that a special board of officers was appointed to consider their deficiencies; to examine the nature of each report given; to afford the individuals opportunity to protest or explain in any case as to the justice or validity of the report; and to remove whatever reports in its judgment could be overlooked by a lenient construction of the circumstances under which they were given. This board cited the cadets before it, listened to any special explanation they had to give, and finally removed a certain number of reports in each case without knowledge of the number of demerits attaching to each report. This resulted in leaving Cadet \_\_\_\_\_ still deficient, with 109 demerits, and Cadet \_\_\_\_\_ also deficient, with 115.

In the case of Cadets \_\_\_\_\_ and \_\_\_\_\_, of the third class, the same process was put into operation by the board, with the result of leaving these men deficient, with 111 and 109 demerits, respectively.

In the third class the average number of demerits for the other members of that class was 56. It will be observed, therefore, that in the case of first class men, Cadet \_\_\_\_\_ had over three times the average number of demerits of his classmates, and Cadet \_\_\_\_\_ nearly four times that number. Cadets \_\_\_\_\_ and \_\_\_\_\_ had about twice as many as the average of their classmates.

Offenses against discipline are divided into seven classes, for each of which a fixed number of demerits is given. Cadets are stimulated to observe the regulations by dividing them into three grades according to conduct, each grade being given certain privileges. In the first class the first grade requires that a cadet shall obtain less than 18 demerits in six months; the second grade less than 42; and the third grade includes those who exceed the latter limit; in the third class these limits are 24 and 54, respectively. As showing how readily excessive demerits may be avoided, it can be stated that about 75 per cent of each class is habitually in the two upper grades.

It has been the practice of the academic board, therefore, to regard a deficiency in conduct as final, and as one of the most satisfactory proofs that can be secured of the unfitness of an individual for the military career. Deficiency in conduct is a clear evidence, after a certain period of probation, of a want of a proper sense of responsibility and subordination, which in the cases of the two first class men under consideration led to flagrant and overt acts against discipline. They could not have been ignorant of the fact that they had received many reports and were in more or less danger of deficiency. As long ago as last August the superintendent took occasion to publish a special order to the corps of cadets warning all of the necessity of the exercise of extreme care in regard to their conduct. In spite of and in defiance of these facts, these cadets deliberately committed an offense carrying the maximum number of demerits.

As stated above, the case of Cadet \_\_\_\_\_ is one of deficiency in studies and not in conduct. He stood at the bottom of the cadets deficient in mathematics and drawing after final examination for proficiency.

The academic board, with a long and intimate experience of the disciplinary methods of this institution, and the effects upon the cadets of unusual leniency, respectfully asks an earnest consideration of the very serious effect upon the morale of a body of young men who are being educated to high standards of conduct and of honor in seeing the disciplinary standards of the institution set aside in spite of the warnings of experience and the admonitions of their superior officers. If the young gentlemen of the corps feel that upon every occasion when they have brought upon themselves the penalties of failure, and when after the administration of the institution has conscientiously sat in judgment upon their status, a reversal can be obtained by an appeal to higher authorities, the administrative authority of the institution is brought into contempt and the powerful influences which an impartial operation of the governing mechanism of military education should bring about is nullified.

The board finds a growing tendency on the part of all those who, from one cause or another, have failed to come up to the standards of this institution to endeavor to secure by a presentation of their case and an appeal to the sympathies of friends in authority a reversal of judgment in their favor. The board believes that it is of the highest importance, in order that the standards and traditions of this institution may be maintained, that the hands of the academic authorities should be upheld. The academic board, far from being austere or harsh in its action upon cases of deficiency, either in conduct or studies, endeavors, on the contrary, to be most lenient, and acts only after long deliberation and careful inquiry into all the conditions surrounding each individual case.

If, after a consideration of this statement, the President is still of the opinion that leniency should be exercised in these cases, the board, in deference to the judgment and wishes of the President of the United States, recommends with reluctance that Cadets \_\_\_\_\_ and \_\_\_\_\_ be suspended without pay and allowances until January 1, 1910, and at that time turned back to join the then first class; that Cadets \_\_\_\_\_ and \_\_\_\_\_ be suspended without pay and allowances until August 28, 1909, and at that time turned back to join the then third class; that Cadet \_\_\_\_\_ be turned back to join the present fourth class immediately.

H. L. SCOTT,  
Colonel, U. S. Army, Superintendent,  
President Academic Board.  
J. S. HERRON,  
Captain, Second Cavalry, Adjutant,  
Secretary Academic Board.

Mr. SCOTT. What is the ruling of the Chair?

The VICE-PRESIDENT. Does the Senator from Ohio insist upon his point of order?

Mr. DICK. Unless other Senators desire to discuss the question, I insist upon the point of order.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and sustains it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### INTERMARRIAGE OF WHITES AND NEGROES.

Mr. MILTON. Mr. President, I ask the Chair to lay before the Senate the resolution submitted by me Saturday.

The Secretary read the resolution submitted by Mr. MILTON February 27, 1909, as follows:

#### Senate resolution 306.

*Resolved*, That the Committee on the Judiciary be discharged from further consideration of the bill (S. 8462) prohibiting the intermarriage of any white person to a negro in the District of Columbia, or in any Territory of the United States, and making the issuance of such marriage, if any, incapable of inheritance, and describing the penalty for such intermarriage, and defining the word "negro," and further prescribing a penalty for any person performing such marriage ceremony.

Mr. MILTON. Mr. President, in offering this resolution I am not actuated by any desire to reflect on the Judiciary Committee, but there are so many bills for this committee to consider and pass on that I desire to relieve it of any responsibility in reference to this measure. It needs no great deliberation by any committee, as there is not a Member of this body who is not fully informed as to the object of such a bill, and, I think, is prepared to vote on the measure. It contains no new matter; a similar law is now in force in 28 States and Territories of the United States, and in many of them has been in operation for years. The object of the bill is the preservation of the Union for the sons and daughters of the patriots whose life blood is the foundation of our great Republic. The race question and its distinctions has occupied public attention for many years and has been the cause of much discussion. Many of the States, notably in the South, where the question is paramount, provide separate schools, separate railroad and street cars, and other public accommodations and necessities for the white and black races. This is not true of the North, but I think there is no section of the Union that has as a whole advocated or even welcomed miscegenation between the white and negro races. Even during the years of reconstruction, when sectional prejudice and feeling was at its height, when the whole power of the Federal Government and state government, urged on by the feelings engendered by four years of war, was doing everything and bending every energy to put the negro on an absolute equality with the white people of this land, even when the southern state governments were in entire control of the carpetbagger and the negro, not one single Southern State repealed its laws prohibiting intermarriage.

South Carolina, which suffered as much as or more than any other State from negro misrule in 1865, before the state government went into the hands of the reconstructionists, enacted laws which specifically defined the rights of negroes. A short time after the statutes were adopted the reconstruction legislature repealed them, but added in the repealing act that it should not apply to that part of the statutes of 1865 which said that marriages between whites and colored should be illegal and void. Texas and Arkansas enacted in 1867 and 1868 laws against such intermarriages, which were not repealed.

Georgia's constitution of 1868 expressed—

The social status of the citizen shall never be the subject of legislation.

The Supreme Court upheld this clause in so far as it related to marriages.

The constitution of Alabama provides for this in the following outspoken terms:

The legislature shall never pass any law to authorize or legalize any marriage between any white person and a negro, or descendant of a negro.

The present status of the laws of the different States on intermarriage is that it is prohibited by the statutes of Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Indian Territory, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, Nevada, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia. Six States have gone further, and, in addition to enacting laws in contravention of intermarriage, have also prohibited such in their respective constitutions.

These are: Alabama, Georgia, Florida, Mississippi, North Carolina, and Texas. These constitutions and statutes do not leave any doubt as to what parties are intended; the negro is clearly defined. Virginia and Louisiana say that there shall be no intermarriage between white persons and persons of color, and Virginia states further that a person of color is one that has as much as one-fourth negro blood. Arkansas, Colorado, Delaware, Idaho, Indian Territory, and Kentucky prohibit intermarriage between white persons and negroes or mulattoes. There is no specific definition of "mulatto." By such term we mean a person of mixed blood, one of whose ancestors was a negro and extends to the third generation, inclusive. Georgia says persons of African descent. Oklahoma and West Virginia say negroes. Florida also says negroes, but includes every person of one-eighth or more negro blood. So also do Indiana and Missouri. Alabama, Maryland, and North Carolina apply the restriction to negroes or persons of negro descent to the third generation, inclusive. Tennessee says negroes, mulattoes, or persons of mixed blood descended from a negro to the third generation, inclusive. The Nebraska law applies to persons of one-fourth or more negro blood. Arizona, California, Utah, and South Carolina use the word "negro." The Mississippi law applies to negroes or mulattoes, or persons who shall have one-eighth or more negro blood. All of the other States first named, not specifically mentioned, use one or more of these terms.

Senators will note that the laws prohibit marriages where there is one-eighth of negro blood. But you must not suppose that a negro of less degree of pure blood is any the less a negro. Most of the laws were passed before and shortly after the civil war, when the discussion of the negro question was warmer than it is now, and I think the men of that date adopted the view of a distinguished Southerner, whose name I do not now recall, who suggested there was no danger of further mixture after the third degree, as no child of less than one-eighth negro blood ever arrived at years of maturity. Whether this is true or not, I can not say, as I have never known any mixed persons except mulattoes, quadroons, and octoroons.

Should an attempt at intermarriage be made, the laws of these States are all sure and certain as to the effect. Indiana, Kentucky, Maryland, Nebraska, and North Carolina declare that such a marriage is void; Colorado and Missouri, that it is absolutely void; Arizona, Georgia, and Oregon, null and void; Delaware and Mississippi, unlawful and void; Arkansas, California, Idaho, and Indian Territory, that it is illegal and void. South Carolina says utterly null and void and of no effect. Louisiana says that such a marriage is prohibited. Florida says that such a marriage is unlawful—utterly null and void—and that the issue, bastards, are incapable of inheriting. In the States mentioned such a ceremony, although under license, has no force, and the parties are guilty of this offense and possibly others. The States not mentioned above prohibit intermarriage and prescribe punishment for violation of the law, but do not say what is the legal effect of such a marriage contract. These States have each enacted laws that inflict severe punishment on the parties of either race that attempt to intermarry, and punish the guilty parties by fines ranging from fifty to one thousand dollars, or by imprisonment ranging from three months to ten years, and in some States by both such fine and imprisonment.

One, and possibly more, of the States, while punishing both or either party, would seem to lay the principal guilt on the white person. A great many of the States provide similar punishment for the officer who issues a license for such intermarriage, and such punishment ranges from a fine of one hundred to one thousand dollars, or imprisonment not to exceed two years. Like punishment is imposed upon any minister, justice of the peace, or any person authorized to perform the marriage ceremony who does solemnize such ceremony between white and negro persons. This punishment consists of a fine or imprisonment, the fine not to exceed \$1,000, imprisonment not to exceed three years. Cohabitation without marriage between whites and negroes is also punished by severe penalties, and in some of the States punishment for such offense between the two races is made much more severe than for similar offense between persons of the same race. The state courts have decided that the infliction of such a heavier penalty in such cases did not contravene the fourteenth amendment, and the Supreme Court of the United States has upheld this decision on the ground that the law does not discriminate against either race, inasmuch as it is impossible for the crime to be committed unless both races are represented and the punishment for each participant is the same. None of the States have ever made laws against intermarriage between other races than the Caucasian, with one exception. That is the State of North Carolina.

In this State it is unlawful for negroes to intermarry with Croatan Indians or go to the same school with them. At the date of the first English attempt to colonize the New World, there was an island off the coast of North Carolina called Croatan. A colony of 177 persons was landed on this island under Governor John White. Here was born Virginia Dare. Later, a part of the colonists under White had to go back to England to seek further aid. It was agreed that those left behind were to go over to the friendly Croatan Indians if they needed assistance. When Governor White returned, some months later, he found the settlement deserted and carved upon a tree near by the single word "Croatan." For some reason the party under White never went in search of the colonists. Tradition says that they went over to the Croatans and eventually became absorbed in that tribe, and this has received credence from the fact that many of the Croatan Indians have light complexions and blue eyes. These Croatan Indians claim descent from the lost colony, and they have received official recognition in North Carolina, and, I may say, to some extent in Florida as a separate race; and by the statutes of North Carolina the blood of these early settlers will not be further adulterated by intermarriage with the negro.

I have endeavored to lay before you the extent of the laws against intermarriage. A number of the States which prohibit intermarriage do not recognize the validity of such marriage when made in States that do recognize them. Mississippi prescribes punishment for those who attempt to intermarry in that State, and also an attempt to evade the law by marrying in another State and returning to Mississippi. Citizens of Georgia can not evade its law by going to another State. A mixed marriage was solemnized in Mississippi before such marriages were there prohibited and the parties moved to Tennessee, which State did prohibit such marriage. The court of Tennessee held that the marriage in Mississippi did not protect persons living in Tennessee:

Each State is sovereign, a government within, of, and for itself, with the inherent and reserved right to declare and maintain its own political economy for the good of its citizens, and can not be subjected to the recognition of a fact or act contravening its public policy and against good morals as lawful because it was made or existed in a State having no prohibition against it or even promoting it.

A Virginia couple married in the District of Columbia and returned to Virginia, where they were promptly prosecuted. The court held that although the forms and ceremonies of marriage are governed by the laws of the place where the marriage is celebrated, the essentials of the contract depend upon and are governed by the laws of the place where the parties are domiciled at the time of the marriage and in which the matrimonial residence is contemplated. This decision was affirmed by the federal court. Such marriage of a Georgia man and a woman in the District of Columbia was had, and upon their return to Georgia they were promptly indicted and convicted of violation of the Georgia statute.

The District of Columbia, or the city of Washington, is the city of refuge for such couples, and almost without exception, when they have returned to their native States, they have been held amenable to the laws of that State. The only exception is the marriage of a white person and a negro in the State of Massachusetts, which then, in 1819, prohibited intermarriage. They were married in Rhode Island. The supreme court of Massachusetts held that the marriage was valid where it was celebrated, and was therefore valid everywhere, but, so far as I am informed, no other court has ever followed this decision. The state decisions and statutes which refuse to recognize such mixed marriages have been attacked on two grounds—Article I of section 10 of the Constitution of the United States, which says that no State shall pass any law impairing the obligation of contracts, and the fourteenth amendment to the Constitution, which says that no State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States. Almost without exception the courts have held that the States shall have absolute control as to who shall marry or be held in that relation within its territory. In 1871 the Indiana court says:

In this State marriage is treated as a civil contract, but it is more than a civil contract. It is a public institution established by God himself, is recognized in all Christian and civilized nations, and is essential to the peace, happiness, and well-being of society; in fact, society could not exist without the institution of marriage, for upon it all the social and domestic relations are based. The right of all the States to regulate and control, to guard, protect, and preserve this God-given, civilizing institution is of inestimable importance and can not be surrendered, nor can the States suffer or permit any interference therewith. If the Federal Government can determine who may marry in a State, there is no limit to its power. \* \* \*

Other States have followed the same line of decision to the effect that marriage is more than a civil contract; that it is a

domestic institution, and that the State has absolute control over the question. Since I introduced the bill I have received quite a number of letters on this subject of intermarriage, all favorable to this bill, and I am indebted for citation of authorities and quotations of law to Mr. Gilbert T. Sephenson, of Cambridge, Mass.

I have endeavored to show that this bill does not need any further consideration from a constitutional standpoint, and that this question of race mixture and amalgamation is thoroughly understood, and that Senators are as well informed now as they will be later to vote on this matter. It needs decision now. I do not think anyone can or will question the historical fact that the mixture of an inferior and a superior race has always resulted detrimentally, and no thinking man or citizen desires to have the Caucasian race lose its force and standing as the dominant race. In this instance it goes even further; the negro is more than an inferior race. They present a number of points of difference which indicate a distinct species:

1. Abnormal length of arm, averaging two inches more than the Caucasian.
2. Projection of the jaws at a facial angle of 70 degrees, as against 82 for Caucasian.
3. Average weight of brain, being for gorilla 20 ounces, negro 35 ounces, European 45 ounces.
4. Full black eye with black iris and yellowish sclerotic coat.
5. Short, flat snub nose, depressed at base, broad at the extremity, dilating nostrils, and concave ridge.
6. Thick protruding lips showing inner red surface.
7. Exceedingly thick cranium, enabling him to butt with the head and resist blows which would break an ordinary European skull.
8. Correspondingly weak lower limbs, broad flat foot, divergent and sometimes prehensile big toe and projecting heel.
9. Complexion brown or blackish, due to abundance of coloring matter.
10. Short black hair and distinctly woolly.
11. Thick epidermis, emitting a peculiar rancid odor.
12. Frame of medium height and somewhat out of perpendicular.
13. The early ossification of the skull.

In the thousands of preceding years the negro race has never, of their own inherent force, elevated themselves one iota from their normal condition. There has been with them no advance in civilization or any of the arts and sciences. When they have been subjected to the elevating influence of civilization, received improvement from education and association with the superior races and then left to themselves, the tendency has rapidly been to return to their barbaric state. The press has just recently contained an account of their failure in Liberia and calls for aid from America. In Haiti and Santo Domingo, where they had come in contact with a high degree of civilization and had developed under its influence after the Government had come into their control, they rapidly retrograded, and it is believed by many that some of them have returned to barbarism and are even cannibals. These examples more than show their inferiority as a race or as mongrels.

Reading and investigation of history of races and examination of present conditions demonstrate the undesirability of rearing a race of mongrels. The danger grows greater, and the earlier it is avoided the better for the future of our country. And the most immediate danger is growing out of the District of Columbia. A recent account of a marriage between a white soldier cook and a negress stated that five mixed marriages had been solemnized between whites and negroes in this District within less than that number of months. A short walk through the principal streets of this city will disclose by the many shades of complexion and other characteristics that there is now and here much more danger than I have mentioned. The mulatto element is greater in proportion than in any other part of the Union. I think this is true of all parts of the North where the negro has lived for several generations. Washington is destined to be a great residential city for the wealthy. The idle rich, having exhausted the pleasures of wealth, naturally seek animal pleasures, and the human animal of mixed race is often exceedingly handsome and highly seductive. Unless this and other restrictive measures are taken, such a saturnalia of vice will here reign as has preceded the downfall of other rich and powerful nations. And the danger grows. The occasional social intercourse between a high dignitary and an illustrious negro or mulatto tends rapidly to break down the barriers of general social intercourse, and thus increases the danger.

Here, owing to the political affiliation and supposed or assumed obligations of the dominant political party to push at any cost the uplift of the negro, is vastly increasing the danger

to their own race. Mixture of the two races will never create a new race, but the Caucasian will be lost, for one drop of negro blood makes a negro. No matter how white the skin or straight the hair, if either party or both parties to an intermarriage have any negro blood, the resulting offspring of such union may revert and be born a child of the jungle. I do not believe that any Democratic Senator on this floor would vote against this bill, nor do I think that any Republican Senator should do so. You men of the North have listened and hearkened to the call of your brother in black long enough. It is now time to listen to and heed the call of your own race in this matter, and enact measures to protect its purity. It is true that the call comes from the South, but when you drop for a moment your efforts for political advantage you recognize that we are the same race and that our efforts, according to our ideas of government, are as truly for the promotion of the welfare and advancement of our common country as are yours. We are both actuated by the same patriotism and you would be as averse as are we to the downfall of the Caucasian people. From my observation since I have been a member of your body, I do not believe that your abstract love of the negro is so great as to prevent your doing justice and right to your own race, even though the plea comes from one of a different political party.

If your adverse action on this measure would be caused by any fear of political changes in your own party, an examination of statistics will show you that if the entire negro vote were to change it would not affect the political complexion of a single State of the Union, and certainly no white Republicans could object to your joining in a movement for the purity and preservation of their own race. You men of the West are facing a similar peril of a different hue. Men of the North are not so proximate to danger as are we; but in all communities of the North where the negro has settled in numbers the same and even greater race antagonism is engendered. Quite recently you have accounts of race troubles in Pittsburg that will equal any in the South. And I was pleased when I read of the policeman who said, in substance, that he considered it a crime for a negro man to raise his hand at a white woman and would proceed accordingly, for it demonstrated anew that this race antagonism is confined to no section nor by state lines, and that others were awakening to opposition to the bleaching process that was advocated at some disgraceful dinner in New York in the spring of last year.

Mr. President, I do not advocate any abridgment of the rights before the law of the negro race nor any effort to prevent them having every opportunity for advancement, educational or otherwise. I have for more than ten years been president of the board of managers of the Florida State Reform School, and as such we have provided for the negro children equally as good buildings, teachers, and advantages as are provided for white children, but the two races do not work together or associate together or mingle together in any manner.

They have the same teachers, guards, and officials, except matrons. The reports and observations of the two races of children, under same conditions, same teachers, guards, and work, at the same place, and with all equal advantages and opportunities, show that the white children are superior in learning and labor and excel in every different kind of work, mental and physical, even in common farm labor. And the advance from the moral standpoint was so markedly in favor of the white race that I feared that all had not been done that could be done for the negro and that these children might do better under a person who did not or should not have any prejudice against them as a race. Therefore we employed as matron in the negro school a lady from New England, who had had experience in reform-school work and was filled with pity, kindness, and love for the downtrodden negro race. Within less than six months she resigned; said that she had changed her idea of the negro; she could do nothing for them; that there was no foundation to build on. After more than ten years of this work, I am of the opinion that the best we can do for them is to make good laborers, and, at that, they will not excel the Caucasian race and can not be depended upon to be law-abiding as a class. I am, in my section, recognized as a friend of the negro, and believe that I have as many friends among them as any white man in my country or more. I have lived among them all my life and have a kindly feeling for them. Therefore I am prompted in this bill by no antagonism to the rights of the negro, but am seeking to preserve my own race in its purity, and, incidentally, to enable each race to live together in harmony and quietude as far as possible.

And even the thinking negro will recognize that my efforts, if successful, will aid them to this end. This race antagonism is accentuated by the fear of social equality of the white race with a race that is made separate and further divergent than

any other race of the human family. But we are here together and should try to live together as best we may. Their presence in our land has proven a curse to the white man. They destroyed the peace and harmony between the North and the South. They brought four long years of bitter war; caused the death of thousands of our best citizens and the loss of millions of dollars of property, and now for more than forty years after the war we have not been able to get rid of this race question. The greatest desire of the negro, next to a white skin, is the longing for social equality and the resulting marriage with white people. This is natural, and more than proven by the many sexual crimes between the races, by the easy lapse from virtue of the white man and the brutal outrages of the male negro. Total separation of the races or the extinction of one must and will result; but until that time comes we can help the present trouble by enacting this bill into law and letting each race know that there is no chance of social equality, no danger of destroying the Caucasian race by mongrelization, nor of leaving our country to a posterity of race retrogrades. By enacting this legislation we will go far toward healing the differences between the North and South and bringing them back to a realization of their common brotherhood, and strengthening their efforts for the upbuilding of our Nation.

There is a growing movement that only well persons should marry. The Oregon senate has passed a bill that makes it a condition precedent to the issuance of marriage licenses that the applicants should present a certificate of good health from a reputable physician. A bill was recently introduced in the Pennsylvania legislature prohibiting the marriage of persons afflicted with pulmonary tuberculosis. Both of these bills have received favorable comment, which goes to show that public opinion is being awakened along the line of providing for a cleaner, healthier posterity, and, if such legislation is desirable, how much more to be desired is legislation to avoid the baleful and dreadful effect on our race of the taint of negro blood.

Mr. President, I had not intended to speak on this question, as I had hoped that the Judiciary Committee would report the bill favorably, and in that event some of the able Senators of that body would make all the speeches necessary for its passage, therefore I have not had time to prepare a speech which would do justice to the subject. But when I found that in spite of my repeated requests to them for action on the measure they would bring no report, I felt it my duty to endeavor to bring the measure before the Senate in this form, for the reasons above stated, and for the further reason, in order that the people of the South should know by the action of the dominant party in the Senate just how much relief they could expect from the incoming administration on this fear of social equality or race mixture, which always threatens us from the Republican party or some of its members. We want to know if the recent tour and sojourn in the South of the Republican leader means any real good to the South, any bringing us nearer to participation of the benefits of the General Government, or whether it is a case of the Greeks bearing gifts.

Now, Mr. President, in order that I may have this motion squarely before the people, I desire that the resolution be disposed of by a yea-and-nay vote.

Mr. HEYBURN. Mr. President, I move that the Senate now proceed to the consideration of the conference report on Senate bill 2982.

The VICE-PRESIDENT. The Senator from Florida [Mr. MILTON] has asked for a yea-and-nay vote on his resolution.

Mr. ALDRICH. What is the question, Mr. President?

The VICE-PRESIDENT. The Secretary will read the resolution.

Mr. ALDRICH. Before the roll call is proceeded with I should like to know on what we are called upon to vote.

The VICE-PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution submitted by Mr. MILTON February 27, 1909, as follows:

Senate resolution 306.

*Resolved*, That the Committee on the Judiciary be discharged from further consideration of the bill (S. 8462) prohibiting the intermarriage of any white person to a negro in the District of Columbia, or in any Territory of the United States, and making the issuance of such marriage, if any, incapable of inheritance, and describing the penalty for such intermarriage, and defining the word "negro," and further prescribing a penalty for any person performing such marriage ceremony.

Mr. FORAKER. I move that the resolution be laid on the table.

The VICE-PRESIDENT. The Senator from Ohio moves that the resolution lie on the table.

Mr. MILTON. I desire a yea-and-nay vote on the motion to lay on the table.

The VICE-PRESIDENT. Upon that motion the Senator from Florida has asked for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], but I transfer that pair to the senior Senator from Washington [Mr. ANKENY] and vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the affirmative). I inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The VICE-PRESIDENT. The Senator from South Carolina has not voted.

Mr. DILLINGHAM. Then, having a general pair with that Senator, I will withdraw my vote.

The result was announced—yeas 43, nays 21, as follows:

YEAS—43.

Aldrich	Clark, Wyo.	Frye	Perkins
Beveridge	Cullom	Fulton	Piles
Borah	Cummins	Guggenheim	Richardson
Bourne	Curtis	Heyburn	Scott
Briggs	Depew	Kean	Smith, Mich.
Brown	Dick	Kittredge	Smoot
Bulkeley	Dixon	La Follette	Sutherland
Burkett	Dolliver	Lodge	Warner
Burnham	du Pont	Long	Warren
Burrows	Flint	McCumber	Wetmore
Clapp	Foraker	Page	

NAYS—21.

Bailey	Gary	Milton	Simmons
Bankhead	Gore	Money	Stone
Culberson	Johnston	Newlands	Tallaferro
Daniel	McCreary	Overman	
Foster	McEnery	Owen	
Frazier	McLaurin	Paynter	

NOT VOTING—28.

Ankeny	Davis	Hemenway	Platt
Bacon	Dillingham	Hopkins	Rayner
Brandegge	Elkins	Knox	Smith, Md.
Carter	Gallinger	Martin	Stevenson
Clarke, Ark.	Gamble	Nelson	Taylor
Clay	Hale	Nixon	Teller
Crane	Hansbrough	Penrose	Tillman

So the motion to lay Mr. MILTON's resolution on the table was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On February 27, 1909:

S. 9017. An act for the establishment of a subport of entry at Ranier, Minn.;

S. 7378. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company; and

S. R. 76. Joint resolution relative to homestead designations, made and to be made, of members of the Osage tribe of Indians.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

GEO. C. PERKINS,  
F. E. WARREN,  
B. R. TILLMAN,

*Managers on the part of the Senate.*

WALTER I. SMITH,  
JOSEPH V. GRAFF,  
SWAGAR SHERLEY,

*Managers on the part of the House.*

The report was agreed to.

BOILER INSPECTION.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (H. R. 28175) to amend section 4434 of the Revised Statutes of the United States, and for other purposes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. The first section proposes to amend section 4434 of the Revised Statutes as amended by the act approved February 28, 1895, so as to read:

SEC. 4434. No externally fired boiler having its shell constructed of iron or steel plates, exceeding an average thickness of thirty-eight one-hundredths of an inch, shall be employed on any steam vessel navigating the Red River of the North or rivers flowing into the Gulf of Mexico or their tributaries; and no externally fired boiler employed on any such steam vessel shall have less than 3 inches space between its shell and any of its internal flues, and not less than 3 inches space between such flues when any such flues are more than 5 inches in diameter, the measurements to be taken from the center of the length of the tapered section of said flues; and every such externally fired boiler employed on any such steam vessel shall be provided with a manhole in the lower part of the front head thereof, of such dimensions as may be prescribed by the Board of Supervising Inspectors, in all cases where the distance between its internal flues is less than 3 inches. Externally fired boilers having shells constructed of iron or steel plates not exceeding an average thickness of fifty one-hundredths of an inch may, in the discretion of the Supervising Inspector-General, be authorized and employed on steam vessels navigating the Atlantic and Pacific oceans, or salt-water bays, or sounds, or the Great Lakes, or any of them, and waters flowing to and from the same, or any of them: *Provided*, That on inspection, no plate that is by this act limited to a thickness of thirty-eight one-hundredths of an inch and no plate that is by this act limited to a thickness of fifty one-hundredths of an inch shall be rejected for use if found to exceed those dimensions, respectively, if the approved average thickness thereof does not exceed the limits therein specified, and the amount of steam pressure that will be permitted to be carried in boilers constructed in accordance with the requirements of this act shall be determined from measurements showing the least thickness of the plates.

Section 2 provides that all externally fired boilers, constructed of iron or steel prior to the passage of this act and now in use on any such vessels, wherein the space between the shell and any of its internal flues or between such flues is less than 3 inches, shall be deemed lawfully constructed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### REVISION OF THE PENAL CODE.

Mr. HEYBURN. I ask unanimous consent for the consideration of the conference report on Senate bill 2982, to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the conference report?

Mr. OVERMAN. What report is that, Mr. President?

The VICE-PRESIDENT. The Secretary will state the report.

The SECRETARY. The report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. OVERMAN. I observe the Senator from Arkansas [Mr. CLARKE] is not in his seat. He wants to be heard on this subject.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho?

Mr. OVERMAN. The Senator from Arkansas desires to be heard on this subject, and I will object to its consideration until he comes in.

Mr. HEYBURN. I ask for the present consideration of the report. The Senator from Arkansas was here a few moments ago.

Mr. OVERMAN. The Senator from Georgia [Mr. BACON] and also the Senator from Arkansas desire to be heard, I think, when this question comes up, and neither of them is present at this moment. I therefore ask the Senator from Idaho to withhold his request.

Mr. HEYBURN. I move that the Senate proceed to the consideration of the conference report.

The VICE-PRESIDENT. The Senator from Idaho moves that the Senate proceed to the consideration of the conference report.

Mr. CULBERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BULKELEY. I should like to have the motion stated.

The VICE-PRESIDENT. The Senator from Idaho [Mr. HEYBURN] moves that the Senate proceed to the consideration of the conference report.

Mr. BULKELEY. On the penal-code bill?

The VICE-PRESIDENT. That is the pending motion, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FULTON (when his name was called). I again announce my general pair with the junior Senator from Arkansas [Mr. DAVIS], and transfer it to the senior Senator from Washington [Mr. ANKENY] and vote. I vote "yea."

The result was announced—yeas 49, nays 12, as follows:

YEAS—49.			
Aldrich	Curtis	Gore	Perkins
Beveridge	Depew	Guggenheim	Piles
Borah	Dick	Hemenway	Richardson
Briggs	Dillingham	Heyburn	Scott
Brown	Dixon	Hopkins	Smith, Mich.
Bulkeley	Dolliver	Keam	Smoot
Burkett	du Pont	Kittridge	Sutherland
Burnham	Elkins	La Follette	Warner
Burrows	Flint	Lodge	Warren
Clark, Wyo.	Foraker	Long	Wetmore
Clarke, Ark.	Frye	McCumber	
Cullom	Fulton	McEnery	
Cummins	Gamble	Page	
NAYS—12.			
Bailey	Daniel	McLaurin	Rayner
Bankhead	Johnston	Money	Stone
Culberson	McCreary	Overman	Taliaferro
NOT VOTING—31.			
Ankenny	Davis	Martin	Platt
Bacon	Foster	Milton	Simmons
Bourne	Frazier	Nelson	Smith, Md.
Brandegee	Gallinger	Newlands	Stephenson
Carter	Gary	Nixon	Taylor
Clapp	Hale	Owen	Teller
Clay	Hansbrough	Paynter	Tillman
Crane	Knox	Penrose	

So Mr. HEYBURN's motion was agreed to.

Mr. BRIGGS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. HEYBURN. For what purpose?

Mr. BRIGGS. That I may ask unanimous consent for the present consideration of Calendar No. 1031, being House bill 7048.

Mr. CLARKE of Arkansas. The matter that has just been taken up by a vote of the Senate may be disposed of for the present, with the consent of the Senator from Idaho [Mr. HEYBURN], so that it will not be necessary to yield to the Senator from New Jersey [Mr. BRIGGS]. I ask the Senator from Idaho to make the announcement regarding the conference report on the penal-code bill, according to the understanding we have arrived at.

Mr. HEYBURN. I would suggest that the Senator from Arkansas state the proposition which has been submitted.

Mr. CLARKE of Arkansas. The report of the conferees has recommended the adoption of all the amendments put upon the bill for the revision of the criminal code by the House in entire substitution for the amendments adopted by the Senate. These amendments are coincident in some particulars, but it is necessary to have some little time in which to reconcile or, at least, to understand the differences. That can be done by the time of the hour of the meeting of the Senate on to-morrow, and those of us who feel that we ought to have an opportunity to point out the matters of difference that are apparently irreconcilable should be permitted to do so. The Senator from Idaho in charge of the bill consents that it may be laid over until the meeting of the Senate to-morrow, at whatever hour that may be.

Mr. HEYBURN. Under conditions.

Mr. CLARKE of Arkansas. Under the condition that we will point out to him before that hour the particular defects or the particular objections that we have to the bill.

Mr. HEYBURN. And that it be the special order for 10 o'clock to-morrow morning.

Mr. CLARKE of Arkansas. That is entirely satisfactory.

Mr. HEYBURN. With that understanding only, the Senator from Idaho agrees that the matter may go over—with the understanding and consent of the Senate that the conference report be made the special order for 10 o'clock to-morrow morning. The additional time is asked by those who oppose the report.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Rhode Island?

Mr. HEYBURN. In a moment. The time for the examination of the report as printed is asked because of the necessity for some consultation with a view of reaching an agreement. It is only because of that proposition that I am led to consent to the matter going over until to-morrow. I could not consent to its going over until to-morrow unless we had an understanding that it should be then taken up.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. That I may understand the agreement, I will ask what effect would it have, if adopted, on the consideration of conference reports or, perhaps, the finishing of an appropriation bill already before the Senate?

Mr. HEYBURN. I can not agree that any other conference report shall have a higher status than this conference report.

Mr. WARREN. Certainly not.

Mr. HEYBURN. This is a conference report.

Mr. WARREN. But suppose the sundry civil appropriation bill is not finished to-night, and it should be desired to take it up in the morning and conclude it so that it may go to conference? Ought not the Senator to except the sundry civil appropriation bill?

Mr. HEYBURN. I would cheerfully do so, but I would not want that exception under the rule in any way to affect the parliamentary situation to-morrow.

Mr. WARREN. No.

Mr. HEYBURN. Of course, if the sundry civil bill is under consideration, I will at that time—not now—agree that this report be laid aside until the sundry civil bill is disposed of.

Mr. WARREN. What about the general deficiency bill?

Mr. HEYBURN. Has the general deficiency bill come over from the House?

Mr. WARREN. Yes; but it has not yet been reported.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. I desire to ask the Senator if the conference report and the suggested amendments have been printed, so that we can have them before us?

Mr. HEYBURN. The report has been printed and was on each Senator's desk this morning. With that understanding—

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Rhode Island?

Mr. HEYBURN. Certainly.

Mr. ALDRICH. I would suggest that the Senator from Idaho modify his request by asking that the conference report be taken up at 10 o'clock to-morrow, and stop there. It will not do at this stage of the session to make any agreements as to time beyond that. All business will have to be subject to the will of the majority of the Senate. I certainly should not be willing that any consent should be given that would displace all the other business of the Senate. The Senator has a right to have his report taken up. I would suggest that he ask for unanimous consent that the consideration of the conference report be proceeded with at 10 o'clock to-morrow morning.

Mr. HEYBURN. That it be resumed at 10 o'clock to-morrow morning. That would be satisfactory. It could then only be laid aside by a vote.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the further consideration of the conference report on what is known as the "penal-code bill" shall now cease, and that the consideration of it be resumed at 10 o'clock to-morrow morning. Is there objection? The Chair hears none, and it is so ordered.

HENRY A. TOLBERT.

Mr. BRIGGS. I ask unanimous consent for the present consideration of the bill (H. R. 7048) for the relief of Henry A. Tolbert.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Henry A. Tolbert, of Barnegat, N. J., \$3,185, that being the penalty exacted from him as surety for his son, Harry W. Tolbert, in default of the execution of his contract for the construction of a guardhouse and quarters at Fort Mott, N. J., in October, 1902.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN TEXAS.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (H. R. 28305) to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State and to detach it from the Fort Worth division of said court. The bill was reported by me this morning from the Committee on the Judiciary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL ACADEMY BAND.

Mr. DICK. I ask unanimous consent for the present consideration of the bill (H. R. 4521) to reorganize and enlist the members of the United States Naval Academy Band.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the Naval Academy Band shall consist of 1 leader, who shall have the pay and allowance of a second lieutenant in the Marine Corps;

1 second leader, with pay at the rate of \$50 per month; 29 musicians, first class, and 11 musicians, second class; to be paid from the pay of the Navy; and that the members of the Naval Academy Band as now organized shall be enlisted in the Navy and credited with all prior service of whatever nature as members of the band, as shown by the records of the Naval Academy and the pay rolls of the ships and academy; and the leader and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are, or may hereafter become, applicable to other enlisted men of the Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

P. H. McDONOUGH.

Mr. BORAH. I ask unanimous consent for the present consideration of the bill (H. R. 13928) for the relief of P. H. McDonough, of Bardstown, Ky.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Patrick Henry McDonough \$250, in full payment for horses taken from him by the military forces of the United States and converted to their own use during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMAN ANDRAE ELECTRICAL COMPANY.

Mr. SMOOT. I desire to call up the bill (H. R. 8947) for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the Herman Andrae Electrical Company, of Milwaukee, Wis., \$480, deducted by the Secretary of the Interior as a penalty under contract No. 15042, dated December 4, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. J. B. NEWCOMBE.

Mr. BURROWS. I ask for the present consideration of the bill (H. R. 8558) for the relief of R. J. B. Newcombe.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay R. J. B. Newcombe, his representatives or assigns, \$960.04 for loss sustained in constructing wharf and boathouse at the life-saving station on South Manitou Island, Michigan.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROAD IMPROVEMENT IN ALASKA.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the concurrent resolution (S. C. Res. 96) submitted by the Senator from Washington [Mr. PILES] on the 16th ultimo, to report it with an amendment. I call the attention of the Senator from Washington to the matter.

Mr. PILES. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution which had been reported from the Committee on Military Affairs with an amendment to strike out, on page 2, lines 1 and 2 and the word "Territory" in line 3, so as to make the concurrent resolution read:

Whereas petitions have been received from the legislatures of the States of Oregon and Washington and from numerous commercial bodies on the Pacific coast and in Alaska for increased appropriations for the construction of wagon roads, bridges, and trails in the Territory of Alaska; and

Whereas several bills have been previously introduced in Congress providing for aid in railroad construction in the said Territory: Therefore be it

*Resolved by the Senate (the House of Representatives concurring), That, for a better understanding of the requirements of Alaska in these respects, and to the end that a more systematic plan may be adopted, if found necessary, for the development of its resources, the Secretary of War be, and he is hereby, authorized to cause an examination to be made of the need for further road improvement in Alaska, in connection with the military and post roads, bridges, and trails now being constructed under War Department supervision, and to report thereupon, with recommendations, at the earliest practicable date.*

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. KEAN. The preamble should be stricken out.

Mr. WARREN. Yes.

The preamble was stricken out.

J. C. HAGGARD.

Mr. FRAZIER. I ask unanimous consent for the consideration at this time of the bill (H. R. 15755) for the relief of J. C. Haggard, of White County, Tenn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to J. C. Haggard \$73.59 for tax paid on 66.9 gallons of whisky, the warehouse having previously been unlawfully broken into and the whisky stolen, without fault or negligence on Haggard's part.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. S. JETTE & SON.

Mr. GUGGENHEIM. I call up for present consideration the bill (H. R. 2911) for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by U. S. dredge *Cumberland*.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to F. S. Jette & Son \$70 for money expended and labor performed in repairing damages done to their wharf at Savannah, Ga., by the U. S. dredge *Cumberland* on May 24, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF CERTAIN PUBLIC LANDS IN NEBRASKA.

Mr. BURKETT. I ask unanimous consent to call up the bill (H. R. 21492) to authorize the sale of certain public lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to sell, at his discretion, for cash, any or all of the vacant public lands in township 8 north, range 30 west of the sixth principal meridian, in the State of Nebraska, which are embraced within the fractional subdivisions which resulted from disconnected surveys.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOOKSELLERS IN THE DISTRICT.

Mr. LONG. I ask unanimous consent for the immediate consideration of the bill (S. 4094) to amend paragraph 43 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the paragraph referred to by adding thereto the following:

*Provided*, That such classification shall not be applied to booksellers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSION OF CIVIL WAR ARMY NURSES.

Mr. SCOTT. I ask unanimous consent for the consideration of the bill (S. 185) increasing the pensions of nurses in certain cases.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment to strike out section 1 and insert in lieu thereof the following:

That all women who served six months or more as volunteer army nurses, whether under contract or otherwise, during the late civil war, and who rendered actual services as nurses in attendance upon the sick and wounded in any regimental, post, camp, or general hospital of the armies of the United States for a period of six months or more, and who are now or may hereafter be unable to earn a support, shall, upon making due proof of the performance of such services according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of pensioners of the United States and be entitled to receive a pension of \$12 per month, such pension to commence from the date of the filing of the application in the Pension Office after the passage of this act.

The amendment was agreed to.

Mr. KEAN. I desire to ask the Senator from West Virginia whether the bill limits the pension to \$12.

Mr. SCOTT. It does.

Mr. KEAN. There is no increase?

Mr. SCOTT. No increase.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting pensions to volunteer army nurses of the civil war."

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF NEW YORK.

Mr. DEPEW. I ask unanimous consent for the present consideration of the bill (H. R. 19655) providing for an additional judge for the southern district of New York, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. FREEMAN.

Mr. WETMORE. I desire to call up the bill (H. R. 21571) for the relief of John T. Freeman.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay \$447.81 to John T. Freeman, chief musician Seventh Artillery Band, U. S. Army, in full payment on account of articles destroyed by fire at Fort Slocum, N. Y.

Mr. WARREN. From what committee does the bill come?

The VICE-PRESIDENT. It was reported from the Committee on Claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND GRANT TO LOS ANGELES, CAL.

Mr. FLINT. I ask unanimous consent for the consideration at the present time of the bill (S. 8929) withdrawing from entry and sale and granting unto the city of Los Angeles, in the State of California, certain lands therein described.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, empowered and directed to cause to be issued to the city of Los Angeles, in Los Angeles County, State of California, a patent to all of the land designated "Dry Salt Lake," embraced within the meandered lines thereof and lying within the exterior lines surrounding sections 28, 29, and 33, in township 32 south, range 34 east, Mount Diablo base and meridian, containing 251.11 acres, as designated on the plat of survey of said township made in the year 1855 and approved by the surveyor-general of California on May 14, 1856, situate in Kern County in said State, upon payment by said city to the United States thereof of the sum of \$2.50 per acre, which lands have heretofore been withdrawn from entry and sale for the benefit of said city, and which withdrawal shall remain intact pending the entry of the land by said city: *Provided*, That said city shall first procure from all claimants or persons who have filed or made valid claims, locations, or entries on or to said lands, or any part thereof, proper relinquishments of all their claims thereto, and cause the same to be filed in the proper land office: *And provided further*, That said patent shall also contain the provision that all right, title, and interest of the United States in and to any lands in said sections 28, 29, and 33 not heretofore disposed of or conveyed are hereby granted, released, and relinquished to said city.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUDICIAL DISTRICT OF NEBRASKA.

Mr. BURKETT. I ask unanimous consent to call up the bill (S. 9191) to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESURVEY OF PUBLIC LANDS.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24835) authorizing the necessary resurvey of public lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment in line 12, striking out the word "twenty" and inserting the word "five."

That the House recede from its disagreement to the amendments of the Senate in line 4, striking out the words "in the manner" and inserting "as he may deem wise under the rectangular system;" and agree to the same.

REED SMOOT,

FRANK T. FLINT,

J. H. BANKHEAD,

*Managers on the part of the Senate.*

F. W. MONDELL,

A. J. VOLSTEAD,

JOSEPH T. ROBINSON,

*Managers on the part of the House.*

The report was agreed to.

LOAN OF NAVAL EQUIPMENT TO MILITARY SCHOOLS.

Mr. DICK. I ask unanimous consent for the present consideration of the bill (S. 4434) to amend an act entitled "An act

to authorize the Secretary of the Navy to loan naval equipment to certain military schools," approved March 3, 1901.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES LENNIG & CO.

Mr. PAYNTER. I ask for the present consideration of the bill (H. R. 9755) for the relief of Charles Lennig & Co.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Charles Lennig & Co., Philadelphia, Pa., for damage to their works, due to the accidental explosion on August 6, 1902, of a quantity of cartridges at Frankford Arsenal, Philadelphia, Pa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARTER & BOOKER.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill (S. 9351) to authorize the Postmaster-General to settle the accounts of Carter & Booker, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CORRY, PA., A PORT OF DELIVERY.

Mr. PENROSE. I desire to call up the bill (H. R. 24327) to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privilege of section 7 of the act of June 10, 1880.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL HUNTLEY.

Mr. WARREN. I ask for the present consideration of the bill (H. R. 24995) for the relief of Nathaniel Huntley.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in the administration of the pension laws the record of the muster of Nathaniel Huntley into the military service of the United States as a member of Company E, Fifth Regiment Michigan Cavalry Volunteers, shall be held to be void and without effect, Huntley never in fact having been mustered into the service as a member of that organization and never having rendered any service with it, but served as a member of Company A, One hundred and fourth Regiment New York Volunteers, and was honorably discharged from that organization.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. C. MANSFIELD.

Mr. CRANE. I ask unanimous consent for the consideration of the bill (S. 8324) for the relief of E. C. Mansfield.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to credit the accounts of E. C. Mansfield, postmaster at Boston, Mass., with the sum of \$215.67, on account of the loss of \$215.67 of the postal funds stolen from the Back Bay station of that post-office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACKSON PRYOR.

Mr. FRAZIER. I ask unanimous consent for the consideration of the bill (H. R. 8545) for the relief of Jackson Pryor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to correct the military record of Jackson Pryor, late of Company D, Twelfth Regiment Kentucky Volunteer Infantry, so as to grant him an honorable discharge as of the date when that company was mustered out of the service of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CODIFICATION OF THE POSTAL LAWS.

Mr. BORAH. I ask that the bill (S. 8803) to codify, revise, and amend the postal laws of the United States may go to the calendar under Rule IX.

The VICE-PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

LIST OF CLAIMS, JUDGMENTS, AND AWARDS.

Mr. HALE submitted the following resolution (S. Res. 318), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the following schedule and lists of claims, judgments, and awards requiring appropriations by Congress not heretofore reported to Congress at the present session, namely:

First. Schedule of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874.

Second. List of judgments rendered by the Court of Claims against the United States.

Third. List of judgments rendered by the Court of Claims in favor of claimants and against the United States under the act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891.

Fourth. List of judgments rendered against the United States by the circuit and district courts of the United States under the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

Fifth. List of awards made by the Spanish Treaty Claims Commission under the act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898, approved March 2, 1901.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 5729. An act to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D, of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof;

S. 8554. An act authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes;

S. 8654. An act for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark.;

S. 9242. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors; and

H. R. 28193. An act to authorize the city of Shreveport to construct a bridge across Red River.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 28245, the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee's amendments be first considered.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the sub-head "Public buildings," on page 13, after line 19, to insert:

Everett, Wash., post-office and custom-house: For continuation of work under present limit, \$40,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to insert: Jacksonville, Fla., post-office and court-house: For tower clock and all work incident to its installation, \$4,000.

The amendment was agreed to.

The next amendment was, on page 27, line 1, before the word "For," to insert "New York, appraiser's stores and custom-house," so as to make the clause read:

New York, appraiser's stores and custom-house: For the purchase of necessary materials and equipment and for all necessary services for the installation, at a cost not exceeding \$175,000, of a pneumatic-tube service between the new custom-house and the appraiser's stores in New York, N. Y., \$175,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 30, line 4, after the word "city," to insert "and the sum of \$40,000, in addition to the amount heretofore authorized for purchase of site, may be used

for that purpose, but the limit of cost for site and building shall not be exceeded," so as to make the clause read:

Portland, Me., court-house: So much of section 1 of the public buildings act approved May 13, 1908, as applies to the post-office at Portland, Me., and the acquisition of additional ground therefor is hereby made applicable to the court-house in that city, and the sum of \$40,000, in addition to the amount heretofore authorized for purchase of site, may be used for that purpose, but the limit of cost for site and building shall not be exceeded.

The amendment was agreed to.

The next amendment was, on page 30, after line 11, to insert: Providence, R. I., post-office, court-house, and custom-house: For finishing quarters in attic for Civil Service Commission, \$5,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 8, to insert: Riverside, Cal., post-office: For site and continuation of building under present limit, \$50,000.

The amendment was agreed to.

The next amendment was, on page 38, line 4, after the word "dollars," to insert "and the Secretary of the Treasury is hereby authorized and directed to purchase such additional land as may be necessary for the enlargement of the post-office and court-house at Wilmington, Del., provided for in the public buildings act approved May 30, 1908, the cost of such land not to exceed the sum of \$25,000, to be paid out of the total appropriation of \$120,000 authorized in said act for such enlargement," so as to make the clause read:

Wilmington, Del., post-office and court-house: For completion of the enlargement, extension, remodeling, or improvement of building under present limit, \$80,000, and the Secretary of the Treasury is hereby authorized and directed to purchase such additional land as may be necessary for the enlargement of the post-office and court-house at Wilmington, Del., provided for in the public buildings act approved May 30, 1908, the cost of such land not to exceed the sum of \$25,000, to be paid out of the total appropriation of \$120,000 authorized in said act for such enlargement.

The amendment was agreed to.

The next amendment was, on page 39, after line 13, to insert: For Treasury building at Washington, D. C.: For repairs to Treasury, Butler, and Winder buildings and the grounds adjacent thereto, including personal services of skilled mechanics, \$21,000.

The amendment was agreed to.

The next amendment was, on page 40, line 22, before the word "thousand," to strike out "fifty" and insert "thirty-eight;" and in line 25, after the word "same," to strike out "and not exceeding \$12,000 for the Treasury, Butler, and Winder buildings at Washington, D. C.," so as to make the clause read:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, and post-offices, quarantine stations and marine hospitals, buildings and wharf at Sitka, Ala., buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings, and other public buildings and the ground thereof, including necessary wire screens, under the control of the Treasury Department, exclusive of personal services, except for work done by contract, \$538,000: *Provided*, That of this amount not exceeding \$100,000 may be used for marine hospitals and quarantine stations, including wire screens for same.

The amendment was agreed to.

The next amendment was, on page 41, line 23, before the word "thousand," to strike out "and not exceeding \$9,000 for the Treasury, Butler, and Winder buildings at Washington, D. C., four hundred," and insert "three hundred and ninety-one," so as to make the clause read:

Mechanical equipment for public buildings: For heating, hoisting, plumbing, gas piping (except for furniture lighting), ventilating, and refrigerating apparatus, vacuum-cleaning systems, interior pneumatic-tube and call-bell systems for all purposes, and repairs to the same, for all public buildings, including buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings under the control of the Treasury Department, exclusive of personal services, except for work done by contract, and including not exceeding \$40,000 for marine hospitals and quarantine stations, \$391,000.

The amendment was agreed to.

The next amendment was, under the subhead "Revenue-Cutter Service," on page 51, after line 12, to insert:

For the construction of a steam launch for the United States Revenue-Cutter Service for duty in the waters of Puget Sound, \$25,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 15, to insert: For constructing a suitable vessel or launch for the customs service, of such motive power as may be determined by the Secretary of the Treasury, for use at and in the vicinity of Portland, Me., \$25,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 19, to insert: For the construction of a launch, of such motive power as may be determined by the Secretary of the Treasury, for the use of the customs service at and in the vicinity of Los Angeles, Cal., \$10,000.

The amendment was agreed to.

The next amendment was, on page 51, line 23, to insert: For the construction and equipping of a steam revenue cutter, for service in Narragansett Bay and adjacent waters, with headquarters at Newport, R. I., to take the place of the revenue cutter *Deater*, \$225,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 3, to insert: For the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York, \$80,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 6, to insert: For the construction and equipping of a steam revenue cutter of the first class for service in the waters of Key West, Fla., \$250,000.

The amendment was agreed to.

The next amendment was, under the head of "Under Smithsonian Institution," on page 55, line 21, before the word "thousand," to strike out "three hundred" and insert "one hundred and ninety," so as to make the clause read:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, and all other necessary expenses, \$190,000, of which sum \$5,500 may be used for necessary drawings and illustrations for publications of the National Museum.

The amendment was agreed to.

The next amendment was, on page 56, after line 3, to insert: For the following at the Wholesale Market square at Tenth, Eleventh, B, and Little B streets NW., in connection with the now approaching completion of the new National Museum building, for cement sidewalks, \$850, and for the necessary grading, \$150; in all, \$1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Interstate Commerce Commission," on page 61, after line 15, to insert:

Special witness of destruction of United States securities: For pay of the representative of the public on the committee to witness the destruction by maceration of government securities, at \$5 per day while actually employed, \$1,565.

The amendment was agreed to.

The next amendment was, in the item for Public Health and Marine-Hospital Service, on page 70, line 5, after the word "dollars," to insert "to be immediately available," so as to make the clause read:

To enable the Secretary of the Treasury to accept the proposal of the proper authorities of the Territory of Hawaii, in amount not to exceed \$4,500, to make sufficient extension of the present water-supply system of the leper settlement on Molokai to provide an adequate water supply also to the leprosy investigation station of the United States, provided that the right is granted to said adequate water supply in perpetuity by the Territory of Hawaii, \$4,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 70, line 8, after the word "dollars," to insert "to be immediately available," so as to make the clause read:

For constructing boat landing at the leprosy investigation station, Hawaii, \$1,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of Commerce and Labor," on page 72, after line 6, to insert:

Light keepers' dwellings: For light keepers' dwellings and appurtenant structures, including sites therefor: *Provided*, That no dwelling erected hereunder at any one station shall exceed \$6,500 in cost, \$75,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 13, to insert: Point Judith breakwater lights, Rhode Island: For establishing lights and fog signals on the breakwaters of the National Harbor of Refuge, Point Judith, Rhode Island, and for erecting a keepers' dwelling, \$18,500.

The amendment was agreed to.

The next amendment was, at the top of page 73, to insert: Ambrose Channel, New York: For the purchase of buoys and equipment, \$40,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 2, to insert: The sum of \$15,000 appropriated by the sundry civil appropriation act, approved June 30, 1906, for a tank light-vessel for Ambrose Channel, New York Bay, may be used, together with the foregoing sum, for the purchase of buoys.

The amendment was agreed to.

The next amendment was, on page 73, after line 7, to insert: Winter Quarter Shoal light-vessel, Virginia: For constructing, equipping, and outfitting complete for service a steel self-propelling light-vessel with a fog signal; and the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare plans for the light-vessel; such draftsmen to be paid from the appropriation for building this vessel; such employment to cease and determine on or before the date when the plans for this vessel being finished, proposals for building this vessel are invited by advertisement, \$135,000.

The amendment was agreed to.

The next amendment was, at the top of page 74, to insert: Buffalo breakwater, North End light station, New York: For dredging the Buffalo breakwater, North End light station, New York, \$43,200.

The amendment was agreed to.

The next amendment was, on page 74, after line 3, to insert: Duluth Harbor entrance, north pier light station, Minnesota: For establishing a light on the north pier, entrance to Duluth Harbor, Lake Superior, Minnesota, \$4,000.

The amendment was agreed to.

The next amendment was, on page 74, after line 7, to insert: Alcatraz light station, California: For remodeling and reconstructing the Alcatraz light station, California, \$35,000.

The amendment was agreed to.

The next amendment was, on page 74, after line 10, to insert: Puget Sound, Washington: For establishing, under the direction and supervision of the Light-House Board, such aids to navigation in Puget Sound waters as may, in the opinion of the Secretary of Commerce and Labor, be considered advisable and necessary, \$41,600.

The amendment was agreed to.

The next amendment was, on page 74, after line 16, to insert: The unexpended balance amounting to \$22,105.26 of the appropriation made by the act approved May 27, 1908, for the construction of a wharf and storehouse at Waaddah Island, Neah Bay, Washington, is hereby made available for purchase of a site and construction of a wharf and storehouses thereon, at some point on the northern coast of the State of Washington between Cape Flattery and Port Townsend, to be designated by the Secretary of the Treasury, for the use of the United States Revenue-Cutter Service.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 95, after line 12, to strike out:

Biological Station, Fairport, Iowa: For the necessary personal services for conducting and continuing the biological station at Fairport, Iowa, authorized and established under a provision in the sundry civil appropriation act for the fiscal year 1909, \$7,800, or so much thereof as may be necessary.

And insert:

Biological Station, Fairport, Iowa: Director, at the rate of \$1,800 per annum; superintendent of fish culture, at the rate of \$1,500 per annum; scientific assistant, at the rate of \$1,400 per annum; scientific assistant, at the rate of \$1,200 per annum; foreman, at the rate of \$1,200 per annum; shell expert, at the rate of \$1,200 per annum; engineer, at the rate of \$1,000 per annum; 2 firemen, at the rate of \$600 per annum each; 2 laborers, at the rate of \$600 per annum each; in all, \$7,800, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 98, line 4, before the word "dollars," to insert "and forty;" and in line 7, after the word "dollars," to insert "Provided, That the engineer who has heretofore been employed in this position is hereby transferred to the classified service," so as to make the clause read:

Schooner Grampus: Master, \$1,500; first mate, \$1,080; second mate, \$840; engineer, \$840; cook, \$600; 3 seamen, at \$540 each; 1 cabin boy, \$420; in all, \$6,900: *Provided*, That the engineer who has heretofore been employed in this position is hereby transferred to the classified service.

The amendment was agreed to.

The next amendment was, on page 101, after line 18, to insert: Fish hatchery, Green Lake, Maine: For completion of roadway from said station to county road, \$2,700.

The amendment was agreed to.

Mr. McCREARY. I wish to offer an amendment, to come immediately after the amendment just adopted.

The VICE-PRESIDENT. The Senator from Kentucky proposes an amendment, which will be stated.

The SECRETARY. After line 21, on page 101, it is proposed to insert:

For the establishment of a fish-cultural station in the State of Kentucky—

Mr. HALE. Mr. President—

Mr. McCREARY. Let the amendment be read. It has not yet been fully read.

Mr. HALE. We are proceeding with the committee amendments, and the Senator's amendment can be offered after the committee amendments shall have been disposed of.

Mr. McCREARY. It will save time to offer it now, and the Senator—

Mr. HALE. The Senator's amendment will come in after we get through with the committee amendments.

The VICE-PRESIDENT. Only committee amendments are now being considered.

Mr. McCREARY. If the Senator objects to its consideration now, I will wait until we are through with the committee amendments.

The reading of the bill was resumed and continued to the end of line 14 on page 103.

Mr. GARY. I should like to have this provision explained by the Senator in charge of the bill. The information I desire is whether this is the appropriation for the Immigration Commission, created under the act of 1907? Is this for the expenses of the Immigration Commission?

Mr. HALE. I am not certain. This is for the expenditures for the general subject of immigration. How much of it goes to the

commission and how much to the general service I do not know. I should not say, from reading the provision, that it applies to the commission. I think perhaps the Senator from Vermont [Mr. DILLINGHAM], who is chairman of the commission, can tell the Senator.

Mr. DILLINGHAM. Mr. President, from a hasty reading of the section it would appear that the receipts arising from the head tax on those admitted to this country have heretofore been held as a separate fund, and out of it there has been paid not only the expenses of the administration of the Bureau of Immigration, but the expenses of the commission. Under the provision of the bill that fund is covered into the Treasury, and there appears to be an appropriation of a lump sum, to be expended under the direction of the Secretary of Commerce and Labor, which seems to cover all the provisions of the immigration act of 1907.

Mr. GARY. That is the act creating the commission.

Mr. DILLINGHAM. The commission was created by that act, but I do not understand that there is in this bill any specific provision for the commission, which I think is an oversight.

Mr. GARY. That is the information I wanted.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Miscellaneous objects, Department of Commerce and Labor," on page 104, after line 15, to strike out:

Special examiners, division of naturalization: For compensation, to be fixed by the Secretary of Commerce and Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the division of naturalization, Bureau of Immigration and Naturalization, provided for by the act of Congress approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," and for their actual necessary traveling expenses while absent from their official stations, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe; and for the actual necessary traveling expenses of the officers and employees of the division of naturalization in Washington while absent on official duty outside of the District of Columbia, \$150,000. A detailed report of the expenditures under the appropriations for this service shall be annually submitted to Congress at the beginning of each regular session thereof.

The amendment was agreed to.

The next amendment was, on page 105, after line 10, to strike out:

For the purpose of carrying into effect that part of section 13 of the act of June 29, 1906 (34 Stat., 596), which provides: "And in case the clerk of any court collects fees in excess of the sum of \$6,000 in any one year, the Secretary of Commerce and Labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said Secretary the business of such clerk warrants such allowance." \$25,000: *Provided*, That the total compensation for the additional clerical assistants authorized by that portion of the said section quoted above to be employed by the clerks of courts shall in no case exceed one-half the gross amount of fees collected by such clerks in naturalization cases during the fiscal year, and that the expenditures from this appropriation shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe.

The amendment was agreed to.

The next amendment was, on page 107, after line 10, to strike out:

Bureau of Standards: Toward procuring a testing machine to cost not exceeding \$150,000, and for services in connection therewith, for the determination by the Bureau of Standards of physical constants and the properties of materials as authorized by law, \$50,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of the Interior," subhead "Public buildings," on page 107, after line 24, to insert:

For repairing the operating machinery of the electric elevator, in the west wing of the Patent Office building, \$4,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 2, to insert: For additional steel stacks for the scientific library of the Patent Office, \$2,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 15, to insert:

Toward the construction of the fireproof building for committee rooms and offices for the United States Senate, provided for in the sundry civil act approved April 28, 1904, including not exceeding \$50 for the purchase of necessary technical books, \$123,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 21, to insert: The unexpended balance of the appropriation of \$30,000 made for maintenance, including heating, lighting, and ventilation, miscellaneous items, and for all necessary services for the fiscal year 1909, is re-appropriated and made available for the fiscal year 1910.

The amendment was agreed to.

The next amendment was, on page 109, line 4, after the word "Capitol," to insert "Senate Office Building," so as to make the clause read:

Improving the Capitol grounds: For the care and improvement of the grounds surrounding the Capitol, Senate Office Building, and House Office Building, pay of one clerk, mechanics, gardeners, for fertilizers, repairs to pavements, walks, and roadways, \$27,500.

The amendment was agreed to.

The next amendment was, on page 109, in line 11, before the word "House," to insert "Senate Office Building," so as to read:

Lighting the Capitol and grounds: For lighting the Capitol and grounds about the same, including the Senate Office Building, House Office Building, Botanic Garden, Senate and House stables, and engine house, Maltby Building, and folding and storage rooms of the Senate and House of Representatives; for gas and electric lighting.

The amendment was agreed to.

The next amendment was, on page 110, after line 3, to insert:

Court of Claims building, District of Columbia: For plumbing, painting, and revolving door for the Court of Claims building, \$7,986.

The amendment was agreed to.

The next amendment was, under the subhead "Public lands service," on page 114, line 2, after the word "dollars," to insert:

Provided, That persons employed under this appropriation shall be selected by the Secretary of the Interior, at a compensation of \$60 per month each, and shall be entitled to the same leave of absence or leave for sickness with pay as is allowed by law to other employees of the executive departments.

Mr. CURTIS. In line 4, page 114, I move to strike out the word "sixty" and to insert in lieu thereof the words "seventy-five," so as to make the pay \$75 per month.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Surveying public lands," on page 120, line 6, before the word "thousand," to insert "and fifty," so as to make the clause read:

For topographical surveys in various portions of the United States, \$350,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 120, line 9, before the word "thousand," to insert "and sixty," so as to make the clause read:

For geological surveys in the various portions of the United States, \$260,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 120, after line 10, to strike out:

For paleontologic researches relating to the geology of the United States, \$10,000.

The amendment was agreed to.

The next amendment was, on page 121, line 2, after the word "hundred," to strike out "one" and insert "two," so as to make the clause read:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, \$200,000.

The amendment was agreed to.

The reading of the bill was continued to line 13, page 121.

Mr. HALE. I offer the following amendment to correct a misprint in the bill.

The SECRETARY. On page 121, strike out lines 8 to 13, inclusive, and insert:

For the continuation of the investigation of the structural materials belonging to or for the use of the United States, such as stone, clays, cement, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, \$150,000.

The amendment was agreed to.

The next amendment was, on page 121, line 19, before the word "thousand," to insert "and fifty," so as to make the clause read:

For the continuation of the analyzing and testing of the coals, lignites, and other mineral fuel substances belonging to or for the use of the United States, in order to determine their fuel value, etc., under the supervision of the Director of the United States Geological Survey, \$150,000.

Mr. HALE. This amendment should be disagreed to, because of the amendment just adopted. It goes to the previous clause.

The amendment was rejected.

The next amendment was, on page 122, line 8, to strike out the period and insert a semicolon.

The amendment was agreed to.

The next amendment was, on page 122, after line 11, to insert:

The Director of the Geological Survey shall hereafter furnish to any person, concern, or institution, in the interest of education and the dissemination of knowledge, that shall pay in advance the whole cost of material and services thereof, copies of any photographs or lantern slides in the possession of the United States Geological Survey, and the moneys received by the director for the same shall be deposited in

the United States Treasury to the credit of the appropriation "Geological maps of the United States" of the said Geological Survey, and this provision shall become effective immediately.

The amendment was agreed to.

The next amendment was, on page 122, line 24, before the word "hundred," to strike out "three" and insert "five," and in the same line, before the word "thousand," to strike out "forty-two" and insert "ninety-two," so as to make the clause read:

In all, for the United States Geological Survey, \$1,592,390.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of the Interior," on page 123, after line 1, to insert:

Expenses of testimony in disbarment proceedings: For actual and necessary expenses to enable the Secretary of the Interior to take testimony, and prepare the same, in connection with disbarment proceedings instituted against persons charged with improper practices before the Department of the Interior, its bureaus and offices, \$3,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 128, after line 10, to insert:

To enable the Secretary of the Interior to pay the National Automatic Fire Alarm Company, of Washington, D. C., for the maintenance of the automatic fire-alarm system now in certain buildings of the Government Hospital for the Insane, placed there by said company under act of Congress, March 3, 1903, and a contract between said company and the said Secretary of the Interior, acting for the United States, dated September 17, 1903, there is hereby appropriated out of said sum of \$100,000 the sum of \$4,634.50, the bills for the same to be rendered by said company and paid monthly: *Provided*, That such changes are made in the installation of said system as have been recommended to the Secretary of the Interior in the report of date of August 18, 1908, of the committee on inspection heretofore appointed by him under said contract, the same to be made before July 13, 1909, to the satisfaction of said committee: *And provided*, That said system is maintained by said company as provided in said contract.

The amendment was agreed to.

The next amendment was in the items for Howard University, on page 129, after line 24, to insert:

For scientific building and equipment, in addition to donations therefor, \$90,000.

The amendment was agreed to.

The next amendment was, on page 130, line 2, before the word "thousand," to strike out "ninety-three" and insert "three," so as to make the clause read:

For improvement of grounds and repairs of buildings, \$3,000.

The amendment was agreed to.

The next amendment was, on page 130, line 12, after the word "Hospital," to strike out:

For salaries and compensation of the surgeon in chief, not to exceed \$3,000, and for all other professional and other services that may be required and expressly approved by the Secretary of the Interior; in all, \$28,500.

And insert:

For salaries and compensation of the superintendent, not to exceed \$3,000; for assistant superintendent, resident physician, resident surgeon, resident gynecologist, resident obstetrician, resident pathologist, clerk, assistant clerks, pharmacist, assistant pharmacist, steward, cooks, engineer, assistant engineer, firemen, pathologist, seamstresses, superintendent of nurses, assistant superintendent of nurses, night supervisor of nurses, head nurses, pupil nurses, maids, waiters, drivers, laundresses, laborers, watchmen, anesthetist, orderlies, elevator men, and dietitian, \$34,380.

So as to make the clause read:

Freedman's Hospital: For salaries and compensation of the superintendent, not to exceed \$3,000, etc.

The amendment was agreed to.

The next amendment was, on page 131, line 6, before the word "dollars," to strike out "forty-three thousand five hundred" and insert "forty-nine thousand three hundred and eight," so as to make the clause read:

In all, \$49,308.

The amendment was agreed to.

The next amendment was, on page 131, after line 6, to insert:

For an additional wing to Freedmen's Hospital building, \$55,700.

The amendment was agreed to.

The next amendment was, on page 131, after line 13, to insert: Memorial to John Wesley Powell: For the purpose of procuring and erecting on the brink of the Grand Canyon, in the Grand Canyon Forest Reserve in Arizona, a memorial to the late John Wesley Powell, with a suitable pedestal, if necessary, in recognition of his distinguished public services as a soldier, explorer, and administrator of government scientific work, \$5,000: *Provided*, That the design for said memorial and the site for the same shall be approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "Under the War Department," subhead "Armories and arsenals," on page 131, after line 26, to insert:

For additional equipment for shop building for the manufacture of artillery ammunition, \$23,500.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds in and around Washington," on page 138, after line 9, to insert:

For continuing the improvement of Potomac Park: To commence the construction of a riverside drive in section 3 of Potomac Park, being that section east of the causeway of the Pennsylvania Railroad bridge, \$50,000.

The amendment was agreed to.

The next amendment was, on page 139, after line 21, to insert:

For additional accommodations to the building erected for the offices of the President, and for each and every purpose connected therewith, including heating apparatus and light fixtures, and furniture, all to be done according to plans, the details of which shall be approved by the President, and completed in every respect within the sum hereby appropriated, \$40,000, to be expended by contract or otherwise, in the discretion and under the direction of the President, to be immediately available.

Mr. CLAY. I should like to ask the Senator from Maine if any estimate has been made for this item. I remember that a few years ago we spent \$60,000 on additions to the White House. I am unable to see why at this time the sum of \$40,000 more is needed.

Mr. HALE. It is not for the convenience of the President; it is for the convenience of everybody who goes to the executive office and does business. When we provided for the little office building everybody realized that it was not large enough. It was a part of the provision by which we built it that the walls should be made so strong that at any time we could include an additional story on the building.

This is for the purpose of giving what I think every Senator realizes should be given, additional space to the executive office. It is all on one floor. It is not half as large as the Senate Chamber. There is no privacy. The whole space is taken up by clerks and reporters, and there ought to be another story there for the President, for Cabinet meetings, and for reception rooms, which are entirely cut out. That is why this provision was put on here.

Mr. CLAY. Will the Senator tell us what department has estimated for this expenditure?

Mr. HALE. It does not come under any department; it comes under Congress.

Mr. CLAY. I have certainly seen it stated in the public press that the present Chief Magistrate of the Nation was unalterably opposed to any change in the present plan and to any enlargement whatever.

Mr. HALE. That is covered by the provision in this amendment, that if the new President does not approve of it, it will not be done. It is to be done under his control. The amendment is very carefully drawn. If the President does not want it, it will not be done.

Mr. CLAY. If the statement now made by the Senator from Maine is true, it is a great pity when we were enlarging the White House that the plans and specifications were not drawn so as to accommodate the public.

Mr. HALE. I suppose there is no instance anywhere in the world of a great officer like the President who has not three times the accommodation this little building furnishes to the President. I never go there that I do not feel it is not half or a quarter what ought to be given to the President. This amendment does not have to be estimated for by any department. It is a matter purely in the discretion of Congress. If the Senate does not want the amendment, I have no interest in it.

The amendment was agreed to.

The next amendment was, on page 140, after line 15, to insert:

For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, \$25,000.

Mr. CLAY. Mr. President, just one word in regard to this item.

My understanding is that the question of the salary of the President of the United States is now in conference. The Senate passed a bill fixing the salary of the President of the United States at \$100,000, which included traveling expenses. That bill has gone to the House, and I presume I do not violate any rule when I say that I understand the House cut the amount from \$100,000 to \$75,000, the \$75,000 to include traveling expenses. The House did that on a vote. I understand that the conferees have not come to any terms in regard to it. I presume that the conferees will either fix the salary at \$100,000, which shall include traveling expenses, or \$75,000, which shall exclude traveling expenses.

Mr. WARREN. It is a little worse than that. The House may yet vote for even less than \$75,000. The matter is still open in conference, and this item of course will not be closed in conference until the other is settled.

Mr. CLAY. I thought the House had already agreed to \$75,000. The House voted \$75,000.

Mr. WARREN. But it is still unsettled and it is liable to change, because to-day or to-morrow the House is to vote again on the same question.

Mr. CLAY. Certainly if we fix the salary in the legislative appropriation bill, including traveling expenses, it ought not to be included in this bill.

Mr. HALE. Then within ten minutes this amendment would go out so quickly you would not know what had become of it.

Mr. CLAY. I did not catch what the Senator from Maine said.

Mr. HALE. If there is any agreement reached, either for a salary of \$100,000 or \$75,000, this amendment will go out at once. It is inserted here only to put in traveling expenses if it should happen that the House insists on a salary of \$50,000.

Mr. CLAY. I think the Senator is correct. If the House insists on a salary of \$50,000, this item ought to go in.

Mr. HALE. That is why it is put in.

Mr. BORAH. Do I understand the Senator from Maine to say that in case the House conferees agree upon \$75,000, this item will go out?

Mr. HALE. Undoubtedly.

The amendment was agreed to.

The next amendment was, on page 141, line 2, before the word "dollars," to strike out "fifteen" and insert "eighteen," so as to read:

Lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas fitters, and laborers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches, and repairs of all kinds; stoves, fuel, and lights for office and office stable, watchmen's lodges, and for the greenhouses at the nursery, \$19,500: *Provided*, That for each 5-foot burner not connected with a meter in the lamps on the public grounds not more than \$18 shall be paid per lamp for gas, including lighting, cleaning, and keeping the lamps in repair, under any expenditure provided for in this act.

The amendment was agreed to.

The next amendment was, in the item for lighting the Executive Mansion and public grounds, on page 141, line 18, after the word "exceed," to strike out "\$18" and insert "\$20.85," so as to make the proviso read:

*And provided further*, That not more than \$6,000 of said appropriation may be expended for lighting, extinguishing, cleaning, repairing, and painting park lamps of a higher candlepower than those provided for above and not less than 60 candlepower, which lamps shall cost not to exceed \$20.85 per lamp per annum and shall otherwise be subject to the restrictions of this paragraph.

The amendment was agreed to.

The next amendment was, on page 141, line 23, before the word "dollars," to strike out "eighty" and insert "eighty-five;" and in line 26, before the word "dollars," to strike out "four hundred and eighty" and insert "five hundred and ten," so as to make the clause read:

For lighting six arc electric lights in Executive Mansion grounds within the iron fence, at not exceeding \$85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said lights, \$510.

The amendment was agreed to.

The next amendment was, on page 142, line 2, before the word "dollars," to strike out "eighty" and insert "eighty-five," and in line 5, before the word "dollars," to strike out "four hundred and eighty" and insert "five hundred and ten," so as to make the clause read:

For lighting six arc electric lights at the propagating gardens, at not exceeding \$85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said lights, \$510.

The amendment was agreed to.

The next amendment was, on page 142, line 12, before the word "dollars," to strike out "eighty" and insert "eighty-five;" and in line 14, before the word "hundred," to strike out "four" and insert "eight," so as to make the clause read:

For lighting arc electric lights in public grounds, as follows: For 7 in grounds south of the Executive Mansion, 32 in Lafayette, Franklin, Judiciary, and Lincoln parks, 14 in grounds south of Executive Mansion and in Monument Park, and 27 in Potomac Park driveway, at not exceeding \$85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said lights; in all, \$6,800, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 142, line 20, before the word "dollars," to strike out "eighty" and insert "eighty-five," and in line 23, before the word "hundred," to strike out "two" and insert "four," so as to make the clause read:

For laying conduit, erecting 40 poles and lamps, and lighting same on macadam roadways in sections 1 and 2 of Potomac Park, at not exceeding \$85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said lights, \$3,400, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 144, line 8, after the word "dollars," to insert: "Provided, That hereafter no advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument, except upon the written authority of the Secretary of War," so as to make the clause read:

For fuel, lights, oil, waste, packing, tools, matches, paints, brushes, brooms, lanterns, rope, nails, screws, lead, electric lights, heating apparatus, oil stoves for elevator car and upper and lower floors; repairs to engines, boilers, dynamos, elevator, and repairs of all kinds connected with the Monument and machinery; and purchase of all necessary articles for keeping the Monument, machinery, elevator, and electric plant in good order, \$3,000: *Provided, That hereafter no advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument, except upon the written authority of the Secretary of War.*

The amendment was agreed to.

The next amendment was, under the subhead "Engineer Department," on page 146, line 8, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Hay Lake and Neebish channels St. Marys River, Michigan: For continuing improvement, \$395,000.

The amendment was agreed to.

The next amendment was, on page 146, line 12, after the word "the," to strike out "completion" and insert "construction," so as to make the clause read:

For continuing improvement of Mississippi River between St. Paul and Minneapolis by the construction of Locks and Dams Nos. 1 and 2, \$180,000.

The amendment was agreed to.

The next amendment was, on page 147, line 2, after the word "falls," to strike out "in completion of contract authorization," so as to make the clause read:

Improving St. Marys River, Michigan: For continuing improvement at the falls, \$225,000.

The amendment was agreed to.

The next amendment was, on page 147, line 10, before the word "Aransas," to strike out "Improving" and insert "For improving," so as to make the clause read:

For improving Aransas Pass and Bay, Texas: For continuing improvement in completion of contract authorization, \$90,000.

The amendment was agreed to.

The next amendment was, on page 148, line 21, after the word "extension," to strike out "in completion of contract authorization," so as to make the clause read:

Improving harbor at Cleveland, Ohio: For continuing improvement in accordance with plan for new harbor entrance and breakwater extension, \$175,000.

The amendment was agreed to.

The next amendment was, on page 154, line 4, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving harbor at San Juan, Porto Rico: For continuing improvement, \$300,000.

The amendment was agreed to.

The next amendment was, on page 155, line 5, before the word "improvement," to strike out "completing" and insert "continuing," so as to make the clause read:

Waterway from Pamlico Sound to Beaufort Inlet, North Carolina: For continuing improvement, \$135,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, War Department," on page 160, after line 22, to insert: Water supply, Presidio of San Francisco: For the purchase of land and acquirement of water rights on Lobos Creek, California, to protect the water supply of the Presidio of San Francisco and to provide an independent water supply for military purposes in San Francisco Harbor, California, \$100,000.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 176, after line 4, to insert:

For flagstaff, \$1,000.

The amendment was agreed to.

The next amendment was, on page 176, line 9, before the word "thousand," to strike out "one" and insert "two," so as to make the clause read:

In all, \$402,700.

The amendment was agreed to.

The next amendment was, on page 179, after line 9, to insert: For iron fence and gatehouse, \$12,200.

The amendment was agreed to.

The next amendment was, on page 179, line 17, before the word "hundred," to strike out "thirty-six thousand six" and insert "forty-two thousand eight," so as to make the clause read:

In all, \$442,800.

The amendment was agreed to.

The next amendment was, in the items for the Marion Branch Home, on page 180, line 11, to strike out "For improvement of coal shed and coal-handling appliances, \$14,500" and insert "For insulation of hot water and steam pipes, \$15,000."

The amendment was agreed to.

The next amendment was, on page 180, line 18, before the word "dollars," to insert "five hundred," so as to make the clause at the end of the items for the Marion Branch read:

In all, \$297,500.

The amendment was agreed to.

The next amendment was, on page 183, line 23, after the word "surgeon," to insert "\$3,500;" and on page 184, line 11, before the word "thousand," to strike out "sixty-six" and insert "sixty-five," so as to make the clause read:

For president of the board of managers, \$4,000; secretary of the board of managers, \$500; general treasurer, who shall not be a member of the board of managers, \$4,000; inspector-general and chief surgeon, \$3,500; assistant general treasurer and assistant inspector-general, \$3,000; assistant inspector-general, \$3,000; assistant inspector-general, \$2,500; clerical services for the offices of the president, general treasurer, and inspector-general and chief surgeon, \$15,500; clerical services for managers, \$4,500; agent, \$600; for traveling expenses of the board of managers, their officers and employees, \$16,000; for outdoor relief, \$1,000; for rent, legal services, medical examinations, stationery, telegrams, and other incidental expenses, \$7,000; in all, \$65,100.

The amendment was agreed to.

The next amendment was, on page 184, line 14, before the word "and," to strike out "eleven thousand" and insert "twenty-three thousand seven hundred," so as to make the clause read:

In all, for National Home for Disabled Volunteer Soldiers, \$4,323,750.

The amendment was agreed to.

The next amendment was, on page 184, after line 20, to insert:

In addition to those classes of discharged soldiers and sailors now admissible to the National Home for Disabled Volunteer Soldiers, all honorably discharged soldiers and sailors who have served in the Philippines, in China, or in Alaska, who are now or who hereafter may become disabled by disease or otherwise, and by reason of such disability are incapable of earning a living, shall hereafter be admitted thereto.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of Justice," on page 187, after line 19, to insert:

Rent of buildings: For rent of buildings and parts of buildings in the District of Columbia, used by the Department of Justice, for the fiscal year 1910, \$300.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," subhead "The United States courts," on page 194, line 2, after the word "dollars," to strike out the following proviso:

*Provided, That when persons subpoenaed to attend as witnesses for the United States make affidavit to the effect that they are without sufficient funds to pay their expenses to the place where attendance is required, there may be advanced, when so directed by the Attorney-General, to such intended witnesses sufficient funds to enable them to attend, the amounts so advanced to be deducted at the time of settlement from the fees to which they may be entitled.*

The amendment was agreed to.

The next amendment was, on page 194, after line 10, to insert: Jurors and witnesses in United States courts in the Territory of Hawaii shall receive the same compensation for mileage and attendance as is now provided by law for such jurors and witnesses in the Territories of New Mexico and Arizona.

The amendment was agreed to.

The next amendment was, under the head of "Civil Service Commission," on page 204, line 12, before the word "thousand," to strike out "two" and insert "ten," so as to make the clause read:

For rent of additional buildings or rooms, \$10,000.

The amendment was agreed to.

The next amendment was, on page 205, after line 12, to insert:

Capitol police: The Board of Capitol Police is hereby authorized and directed to retain on the roll of the Capitol police, James F. Sellers, who was injured for life while in the discharge of his duties, the said James F. Sellers to be assigned to duty now performed by him in the Senate reception room.

The amendment was agreed to.

The next amendment was, on page 205, after line 18, to insert:

Bust of President Zachary Taylor: To enable the Joint Committee on the Library to purchase of Mrs. Lola Wood, widow and sole executrix of John Taylor Wood, esq. (who was a grandson of President Zachary Taylor), a bust of President Zachary Taylor in her possession, to be placed in the Capitol building, \$2,000, or so much as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Government Printing Office," at the top of page 210, to insert:

Except the appropriations for salaries in the office of the superintendent of documents, and for stores and general expense for the office of the superintendent of documents, all appropriations made herein

under "Government Printing Office" shall be considered in apportioning the allotments for printing and binding to the several executive departments, bureaus, and independent offices of the Government.

The amendment was agreed to.

The next amendment was, on page 210, line 8, to strike out "And provided further" and insert "Provided."

The amendment was agreed to.

The next amendment was, on page 213, line 5, before the word "thousand," to strike out "fifteen" and insert "twenty-five," so as to make the clause read:

For the Navy Department, \$153,000, including not exceeding \$25,000 for the Hydrographic Office.

The amendment was agreed to.

The next amendment was, under the subhead "Public printing and binding," on page 214, after line 20, to insert:

For printing and binding the annual report of the director, monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, \$140,000; and said amount shall cover all printing and binding on account of said publications of the Geological Survey.

The amendment was agreed to.

The next amendment was, on page 217, after line 6, to strike out:

The Public Printer may hereafter, in his discretion, pay printer linotype operators and printer monotype keyboard operators at a rate not exceeding 60 cents per hour: *Provided*, That when the exigencies of the service require that work be performed on Sunday the Public Printer may, in his discretion, pay to employees, not receiving annual salaries, not exceeding 50 per cent in addition to the regular rate paid for such work.

The amendment was agreed to.

The next amendment was, under the head of "The Isthmian Canal," on page 222, line 13, after the word "two," to insert "and the amount of bonds authorized by said section is hereby increased to \$160,000,000," so as to make the proviso read:

*Provided*, That all expenditures from the appropriation herein and hereinafter made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and the amount of bonds authorized by said section is hereby increased to \$160,000,000.

The amendment was agreed to.

The next amendment was, on page 225, after line 5, to strike out section 6, as follows:

Sec. 6. Hereafter all supplies of fuel, ice, stationery, and other miscellaneous supplies for the executive departments and other government establishments in Washington, when the public exigencies do not require the immediate delivery of the article, shall be advertised and contracted for by the Secretary of Commerce and Labor, instead of by the several departments and establishments, upon such days as he may designate. There shall be a general supply committee in lieu of the board provided for in section 3709 of the Revised Statutes as amended, composed of officers, one from each such department and other government establishment in Washington, designated by the head thereof, the duties of which committee shall be to make, under the direction of the said Secretary, an annual schedule of required miscellaneous supplies, to standardize such supplies, eliminating all unnecessary grades and varieties, and to aid said Secretary in soliciting bids based upon formulas and specifications drawn up by such experts in the service of the Government as the committee may see fit to call upon, who shall render whatever assistance they may require. The committee shall aid said Secretary in securing the proper fulfillment of the contracts for such supplies, for which purpose the said Secretary shall prescribe, and all departments comply with, rules providing for such examination and tests of the articles received as may be necessary for such purpose; in making additions to the said schedule; in opening and considering the bids; and shall perform such other similar duties as he may assign to them: *Provided*, That articles intended to be purchased in this manner are those in common use by or suitable to the ordinary needs of two or more such departments or establishments; but the said Secretary shall have discretion to amend the annual common supply schedule from time to time as to any articles that in his judgment can as well be thus purchased. In all cases only one bond for the proper performance of each contract shall be required, notwithstanding that supplies for more than one department or government establishment are included in such contract. Every purchase or drawing of such supplies from the contractor shall be immediately reported to said committee. No disbursing officer shall be a member of such committee. No department or establishment shall purchase or draw supplies from the common schedule through more than one office or bureau, except in case of detached bureaus or offices having field or outlying service, which may purchase directly from the contractor with the permission of the head of their department or establishment: *And provided further*, That telephone service, electric light and power service purchased or contracted for from companies or individuals shall be so obtained by him.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I notice that in the reading the Secretary has passed over page 219, where I find a provision which reads:

6. To continue the equipment and construction of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, \$700,000; no part of said sum shall be expended until the obligation of the Panama Railroad Company for the full amount thereof, and drawing 4 per cent interest, payable to the United States, shall have been delivered to the Secretary of the Treasury of the United States, and by him accepted.

I wish to ask the acting chairman of the committee what is the present status of the Panama Railroad Company? I under-

stand that the United States Government owns the entire stock of that railroad. Is that correct?

Mr. HALE. I suppose so.

Mr. OVERMAN. Is there any such company now in existence as the Panama Railroad Company?

Mr. HALE. Yes; in a way it exists. It has been merged with the Government, but it is maintained as a nominal organization.

Mr. OVERMAN. Then, as I understand, it is proposed that this company shall issue bonds for the amount of money that is appropriated.

Mr. HALE. There are already bonds out, but it is all a governmental matter. It is only kept up nominally, but it has no jurisdiction and has no power outside of the Government.

Mr. OVERMAN. Who issues these bonds?

Mr. HALE. They are issued by the command of the Government, and the Government controls the railroad.

Mr. OVERMAN. Is there a board of directors and a president of that railroad company there now?

Mr. HALE. There is a board of directors.

Mr. OVERMAN. And they issue these bonds?

Mr. HALE. By direction of the Government.

Mr. OVERMAN. Why not appropriate the money directly?

Mr. HALE. I do not think it would make much difference. It is one hand washing the other.

Mr. OVERMAN. Taking money out of one pocket and putting it into another?

Mr. HALE. That is all. The whole thing is in the hands of the Government.

Mr. OVERMAN. Can the Senator tell me why that organization is kept up?

Mr. HALE. It was thought better, as a matter of business, to maintain that nominal organization, because they had the bonds already out. We thrashed that out in discussions in the Senate some years ago.

Mr. OVERMAN. A Senator suggests—I think the Senator from Missouri [Mr. STONE]—that Cromwell is on the board of directors of that organization. Is that true?

Mr. HALE. They have no power, and there is no profit at all in it for them.

Mr. OVERMAN. Is Mr. Cromwell any longer a director of that railroad company?

Mr. HALE. I do not know.

Mr. OVERMAN. Who are the directors?

Mr. HALE. I do not know, and I do not want to know.

Mr. OVERMAN. Does the Senator not think that the country would like to know who are the directors of that railroad company?

Mr. HALE. Yes; perhaps so; but the Senator understands that we have undertaken this whole gigantic enterprise and that we are embarked in it. Where it will end nobody can tell.

Mr. OVERMAN. I understand that, and I agree to the necessary appropriation; but I can not understand why the Government should make an appropriation for the construction of a railroad at one place of \$700,000, and then have the company give bonds to the Government for this money when the Government owns the railroad.

Mr. HALE. It is not much more than a matter of book-keeping.

Mr. OVERMAN. Then there is another item I see here, where we provide a million dollars for building another railroad. What is the difference between completion and construction of a railroad? I thought the railroad was already constructed.

Mr. HALE. The Senator understands that that railroad had to be changed on account of the plans.

Mr. OVERMAN. I understand that; but this item is for completion and construction of a railroad as it now exists—one item. The other is for relocating.

Mr. HALE. Quite likely part of it is for the railroad as it is now.

Mr. OVERMAN. The road has never been completed, then?

Mr. HALE. That I do not know.

Mr. OVERMAN. This item says for construction and completion. The other is for relocating, for equipment, and construction of the Panama Railroad.

Mr. HALE. It all relates to the same road. There is no doubt about that. I never, however, have been able to follow all of the intricacies, the changes, and the adaptation of the plans down there. I have read the report as carefully as I can, and I see plainly that the whole thing is in charge of the Government and that about all we shall have to do will be to appropriate the money.

Mr. OVERMAN. Who is now the president of this Panama Railroad Company?

Mr. HALE. I do not know.

Mr. OVERMAN. I am sorry the Senator can not give me the information.

Mr. HALE. I have not looked into that matter at all. I suppose, perhaps, the Senator from South Dakota [Mr. KITTREDGE] can tell.

Mr. KITTREDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Dakota?

Mr. HALE. Certainly.

Mr. KITTREDGE. Mr. President, I want to call the attention of the acting chairman of the committee to line 2, on page 220. According to that provision, the bonds there referred to are to pay 4 per cent interest. Virtually, then, the United States Government is to pay 4 per cent interest upon an obligation authorized by this section. Am I correct?

Mr. HALE. I do not know what was the rate of the old bonds, but, undoubtedly, under this arrangement these bonds will be 4 per cent bonds. I do not suppose the Government will ever pay any money out. It will all be in the Treasury.

Mr. KITTREDGE. Mr. President, if the Senator will yield to me—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Dakota?

Mr. HALE. Yes.

Mr. KITTREDGE. My point is, that if there is a necessity to borrow money, why not borrow it upon the credit of the United States and pay 2 per cent interest, instead of on the credit of this railroad company and pay 4 per cent interest?

Mr. WARREN. May I ask the Senator from South Dakota what percentage of interest is paid for the Panama Railroad bonds now out?

Mr. KITTREDGE. There were items on the appropriation bill two years ago, as I now recollect, providing for the payment of the outstanding bonds of the Panama Railroad.

Mr. WARREN. Is the Senator from South Dakota able to say that all those bonds have been redeemed?

Mr. KITTREDGE. The bonds ought to have been redeemed under the provisions of the law to which attention is called.

Mr. WARREN. Was that permissive or was it mandatory?

Mr. KITTREDGE. I have not in mind the language, but the intention on my part, at least, was that those bonds were to be taken up and paid, because they drew 4 per cent interest or a higher rate.

Mr. WARREN. The Senator will notice the following words: drawing 4 per cent interest, payable to the United States, shall have been delivered to the Secretary of the Treasury of the United States, and by him accepted.

So the bonds are in the Treasury of the United States. It is simply paying for what bonds, if any, are in the Treasury, and not bonds held by outsiders. In other words, the Panama Railroad is paying 4 per cent interest on bonds and the United States is collecting the 4 per cent on the same.

Mr. OVERMAN. Why pay any more interest than 2 per cent upon them?

Mr. WARREN. I was hoping to get more information from the Senator from South Dakota [Mr. KITTREDGE]. My opinion is that these bonds become a part of and are on the same basis with the old bonds. You will probably find, upon looking it up, that a lot of those old bonds are in the Treasury of the United States, the property of the United States, and this issue, of course, is made to fit under the same law upon which those bonds were issued, to bear the same rate of interest.

Mr. OVERMAN. Is this railroad company paying interest on these bonds to the Government at 4 per cent?

Mr. WARREN. It pays interest on the bonds wherever the bonds are owned. I have no doubt about that.

Mr. OVERMAN. The old bonds have not been taken up by the 2 per cent bonds, as we understood was to have been done.

Mr. WARREN. My opinion is that they were not entirely taken up. I am speaking, however, without the information that I hoped to get from the Senator from South Dakota. What I have stated is, however, my impression.

Mr. ALDRICH. Mr. President, the transaction is very simple. The Government of the United States expended \$700,000 for this property, for which it received \$700,000 of 4 per cent bonds, and put them in the Treasury. It gets 4 per cent rather than pays 4 per cent.

Mr. CLAY. Mr. President, was the amendment on page 222, in lines 13, 14, and 15, agreed to?

The VICE-PRESIDENT. The amendment at that point was agreed to.

Mr. CLAY. I was not aware of it. I have a motion to make in regard to that amendment. I shall wait, however, until the bill gets into the Senate.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 227, after line 9, to strike out section 8, as follows:

SEC. 8. Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

The amendment was agreed to.

The next amendment was, on page 229, after line 9, to insert as a new section the following:

SEC. 9. The Secretary of the Treasury shall cause all unexpended balances of appropriations which remained on the books of the Treasury on the 1st day of July, 1904, except permanent specific appropriations, judgments and findings of courts, trust funds, and appropriations for fulfilling treaty obligations with the Indians, to be carried to the surplus fund and covered into the Treasury: *Provided*, That such sums of said balances as may be needed to pay contracts existing and not fully discharged at the date of this act shall remain available for said purposes. For the purposes herein declared no appropriation made prior to July 1, 1904, shall be construed to be a permanent specific appropriation unless by its language it is made available for use until expended.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. DEPEW. I offer an amendment, to insert on page 104, after line 11, what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 104, after line 11, it is proposed to insert:

The act of May 27, 1908 (35 Stat., p. 330), is hereby amended by striking out the following: "Immigration station, Ellis Island, N. Y.: For dredging new channel to afford landing facilities for arriving aliens and their baggage, \$65,000," and inserting "Immigration station, Ellis Island, N. Y.: For dredging new channel and constructing new wharf for affording landing facilities for arriving aliens and their baggage, \$65,000."

Mr. HALE. Mr. President, so far as I can judge from the reading, this is not an additional appropriation, but only a substitution in more practical form for an old appropriation. So I do not object to it.

Mr. KEAN. I move to amend the amendment by inserting the word "harbor" after "New York." It reads "Ellis Island, New York." Ellis Island is not in New York.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment by inserting the word "harbor" after the word "New York."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FORAKER. I offer the amendment which I send to the desk, to come under the subhead "Department of State," on page 203.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 203, it is proposed to insert the following:

Payment to the Catholic Church in Porto Rico: To give effect on the part of the United States to the basis of settlement of all matters in dispute between the Roman Catholic Church in Porto Rico on the one part and the United States and the people of Porto Rico on the other part, signed at San Juan, P. R., on August 12, 1908, by commissioners for the United States, the Roman Catholic Church of Porto Rico, and the people of Porto Rico, respectively, the Secretary of the Treasury is hereby authorized to pay to the bishop of Porto Rico as the representative and trustee of the Roman Catholic Church in that island, and for the exclusive benefit of the Roman Catholic Church in Porto Rico, the sum of \$120,000, in full satisfaction of all claims of every nature whatsoever relative to the properties claimed by the Roman Catholic Church in Porto Rico which are now in the possession of the United States, to wit, the building known as the Santo Domingo Barracks and the land pertaining thereto, and the site of the building formerly known as the Ballaja Barracks, now known as the Infantry Barracks, both properties in the city of San Juan, P. R.: *Provided*, That the Roman Catholic Church shall guarantee the title to, and shall relinquish all rights and actions regarding said properties, and that the said properties shall belong exclusively to the United States: *And provided further*, That upon the acceptance of this sum the Roman Catholic Church shall relinquish all claims of any kind whatsoever against the United States arising in Porto Rico prior to the approval of this act.

Mr. OVERMAN. Mr. President, I make the point of order on that amendment. I do not think it has been estimated for. It is too important a matter, appropriating as it does \$120,000, to be put on this bill unless we know something about it.

Mr. LODGE. A bill similar to the amendment has passed the Senate, and so the amendment is clearly in order.

Mr. OVERMAN. I understand that this matter was up in the House of Representatives, when it was stricken from the

bill, and that it was before the committee there and not reported favorably, as I am informed.

Mr. FORAKER. The amendment in the form of a bill was reported without objection from the Committee on Pacific Islands and Porto Rico, and then it was passed in the Senate without any opposition. It provides simply for payment of a sum of money, arrived at by commissioners representing the United States and commissioners representing the Roman Catholic Church.

Mr. OVERMAN. It may be all right—

Mr. FORAKER. It is an agreed sum, sent here by the Secretary of State.

Mr. OVERMAN. It may be all right, but it is general legislation, and I should like to look into it.

Mr. FORAKER. And it was also favorably reported in the other House. It went out in the House simply on a point of order.

Mr. WARREN. And it has been estimated for.

Mr. FORAKER. It has been estimated for; and there is a printed report, which was published not only in pamphlet form, but also in the RECORD when the Senate passed the bill. So it seems to me it ought to go on the bill.

Mr. LODGE. I wish merely to say a word in regard to the point of order. This item has been estimated for, it has passed the Senate, and has been reported from a committee. So it is clearly taken out of the operation of the rule, I should think.

Mr. FORAKER. The amendment is clearly in order.

Mr. CLAY. Let me say to the Senator from Ohio that in the discussion in the House I thought there was some question made about the title to this property.

Mr. FORAKER. No; not that I know of. I did not read what occurred in the House.

Mr. CLAY. I think the Senator will find such to be the case if he will examine the RECORD.

Mr. FORAKER. This amendment provides that the title shall be guaranteed by the Roman Catholic Church to the United States.

Mr. CLAY. I know that in the House that feature of it was discussed, for I read it in the RECORD.

Mr. FORAKER. It may have been. I did not read the discussion in the House. I saw that it went out on a point of order, not of the merits at all; but inasmuch as it had been estimated for, had been arranged for by the Department of State, had been recommended by that department, had been unanimously reported from the Committee on Pacific Islands and Porto Rico, with a printed report, and had passed the Senate unanimously, it was regarded by me as clearly in order.

Mr. OVERMAN. I understand that even under the Spanish Government there was some doubt as to whether the church owned the property in question. There was some trouble about the title. I should like to look into it. I think the amendment proposes general legislation, and therefore I make the point of order against it.

Mr. WARREN. I remind the Senator that it was put on the bill by the Committee on Appropriations of the House.

Mr. FORAKER. I have stated that it was reported favorably by the Committee on Appropriations of the House and put on by the committee of the House as a part of the bill. It is printed in the bill, in the copy I have.

Mr. CULLOM. If anything is in order, it seems to me this amendment is.

Mr. FORAKER. Then it was reported from the Committee on Appropriations of the House and printed, on page 194, in the exact language employed here now, which is the same language, with a very slight change in phraseology, which was employed in the bill the Senate passed. I ask for a ruling whether or not the amendment is in order.

Mr. OVERMAN. I think the subject ought to be fully considered and discussed before it is acted on.

Mr. CLAY. The amendment certainly has not been considered, I will say to the Senator, by the Committee on Appropriations. I do not desire to dispute anything the Senator has said about the matter, but the sundry civil bill only came to the Senate on last Saturday from the House, carrying \$138,000,000, and has had but a few hours' consideration by the committee and by the Senate.

Mr. FORAKER. If the Senator will allow me, so long ago as last Thursday or Friday I offered this amendment and had it sent to the desk and printed as an amendment that I proposed to offer when the bill should be taken up for consideration. I had it referred to the Committee on Appropriations. The Committee on Appropriations have had the amendment. I do not know why they did not act favorably upon it.

Mr. CLAY. To say the least, an item of this kind and of this size, it does seem to me, ought to be considered by the Committee on Appropriations before we act on it in the Senate.

Mr. FORAKER. I supposed it was considered there.

Mr. CLAY. The Senator from Maine [Mr. HALE], I know, is very particular about bringing all amendments before the committee, and if anything was said about this amendment I am not aware of it.

Mr. FORAKER. I do not know what occurred in the committee; but I know I did my full part about it. I ask for a ruling as to whether the amendment is in order.

The VICE-PRESIDENT. The Chair will submit the question to the Senate, Is the amendment in order? [Putting the question.] The ayes have it, and the amendment is in order. The question recurs on agreeing to the amendment.

The amendment was agreed to.

Mr. BULKELEY. I wish to offer an amendment. It proposes to strike out, on page 126, from line 20 down to line 4 on page 127 and to insert in lieu the language which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 126, beginning with line 20, it is proposed to strike out the remainder of the page and down to and including line 4 on page 127 and insert:

Platt National Park, Oklahoma: For protection and improvement of Platt National Park, Oklahoma, to be expended under the supervision of the Secretary of the Interior, \$20,000. Of this amount the sum of \$15,000 shall be expended in the construction of a sanitary sewer through the park, with laterals to intersect with others connecting the sewer system of the city of Sulphur, Okla.: *Provided*, That the municipality of Sulphur expend in the construction of said sewer system through the park the sum of \$15,000.

Mr. BULKELEY. I offer this amendment for the reason that the bill as reported provided that the appropriation should be made out of funds now in the hands of the Secretary of the Interior. I have a letter from the Secretary of the Interior, in which he states—

Mr. HALE. This is in place of a provision in the bill, is it not?

Mr. BULKELEY. It is.

Mr. HALE. I do not object. It only expresses the details in better form.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FRYE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 204, after line 3, it is proposed to insert:

To enable the United States fittingly to participate in the Universal and International Exhibition to be held at Brussels, Belgium, April to November, 1910, \$200,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

Mr. FRYE. That amendment was very warmly recommended by the Secretary of State; it was unanimously approved by the Committee on Foreign Relations; and Brussels has always been friendly toward our expositions. I hope that my colleague will consent to inserting the amendment in the bill.

Mr. HALE. No; I certainly can not. I am very tired of these expositions. I am sorry, but I must make the point of order.

Mr. FRYE. It is clearly in order.

Mr. HALE. In what way?

Mr. FRYE. It was reported from the Committee on Foreign Relations and referred to the Committee on Appropriations.

Mr. HALE. But it is entirely new matter, and is not reported as an addition to any appropriation. It provides in terms for the participation of the United States in this exposition, and for such participation there is no law. We have to make the law; otherwise we could not participate in the exposition.

Mr. FRYE. I do not see, for the life of me, what point of order can be made against the amendment when, under the rule, it has been reported from the Committee on Foreign Relations, sent to the Committee on Appropriations, and recommended by the State Department.

Mr. HALE. If there was now authorization for our participation in the exposition, and we were appropriating money for that purpose in accordance with an estimate or a report of a committee, it would be in order; but we are providing for our participation in the exposition, and for that there is no law.

Mr. FRYE. The exposition is provided for at Brussels.

Mr. HALE. But not our participation in it.

Mr. FRYE. I know we have not agreed to participate; and this is for us to agree to it.

Mr. HALE. Besides, I do not think, in view of the condition of the Treasury, that we had better embark on any more of these expensive expositions.

Mr. FRYE. I have nothing further to say.

The VICE-PRESIDENT. What is the point of order the senior Senator from Maine makes?

Mr. HALE. That the amendment proposes general legislation for which there is no warrant of existing law.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CURTIS. I offer the amendment which I send to the desk, to come in on page 206.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 206, line 5, after the word "secretary," it is proposed to strike out "to the Public Printer, \$2,500," and insert in lieu thereof the words "three thousand." The amendment was agreed to.

Mr. CUMMINS. I offer the amendment which I send to the desk, to come in on page 206, line 13.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 206, line 13, before the word "dollars" where it occurs the first time, it is proposed to insert the words "two hundred and fifty," so that, if amended, it will read "chief timekeeper, \$2,250."

Mr. HALE. That is all right, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DU PONT. I offer the amendment I send to the desk.

The SECRETARY. On page 192, after line 19, it is proposed to insert:

The annual salary of the United States attorney for the district of Delaware shall be \$3,000 per annum after the beginning of the fiscal year 1910.

The amendment was agreed to.

Mr. McCREARY. I offer the amendment I send to the desk.

The SECRETARY. On page 101, after line 21, insert:

For the establishment of a fish-cultural station in the State of Kentucky at some suitable point to be selected by the Secretary of Commerce and Labor, \$25,000.

Mr. McCREARY. There is no fish-cultural station in Kentucky, and I hope the Senator from Maine will not raise the point of order on the amendment.

Mr. HALE. The committee adopted one rule. With the present condition of the Treasury the committee declined to report an appropriation for any fish station unless it had already been established by law, and there are eight or ten of them. I am sorry to say that in drawing the line it came right across the Senator's good and handsome face. But I do not see how I can avoid insisting upon the point of order.

Mr. McCREARY. Will the Senator permit it to be submitted to the Senate?

Mr. HALE. It is not for me to suggest about a matter being submitted to the Senate, nor is it for any Senator.

The VICE-PRESIDENT. What is the point of order?

Mr. HALE. The point of order is that there is no law.

The VICE-PRESIDENT. That it is general legislation?

Mr. HALE. Yes.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. GORE. Mr. President, I have an amendment which I desire to offer. I will first ask whether it meets with objection on the part of the Senator from Maine. The amendment I desire to offer would come in on page 191, line 10, after the words "western judicial district of Oklahoma." As the amendment is of considerable length, I will not ask to have it read until I know whether the Senator from Maine objects to it. It provides for subdividing the eastern district of Oklahoma. It meets with the approval of the Congressmen representing that half of the State; it was prepared, as I understand, by one of those Congressmen, in conjunction with a representative of the Department of Justice. It has the approval of the presiding judge of that district, and also the indorsement of the bar of that judicial district.

A bill for this purpose is now in the Committee on the Judiciary of the Senate, and the chairman of the committee to-day very kindly agreed to report it as an amendment to another bill relating to a judicial district in Texas—a House bill. The senior Senator as well as the junior Senator from Texas has very kindly agreed that it may be attached to the bill. But as that measure originated in the House and is purely local, the lateness of the session causes me to fear to amend it may imperil the passage of the House bill. I therefore called the matter to the attention of the chairman of the Judiciary Committee, and stated that I would submit it in this place and in this connection. It is purely a local measure, and the people in that part of the State now have to travel from 200 to 250 miles to attend court. I should like very much to submit the amendment, if there is no objection to it.

Mr. HALE. Whatever may be my view about the propriety and the expediency of the amendment, it is clearly a matter of general legislation.

The VICE-PRESIDENT. The Chair understood the Senator from Oklahoma to say that he would not submit his amendment unless it met with the approval of the Senator from Maine.

Mr. GORE. Yes. I will not have it read.

The VICE-PRESIDENT. The amendment will not be read.

Mr. HALE. I have examined it.

Mr. BORAH. I offer an amendment, to be inserted on page 112, line 24, after the word "dollars."

The SECRETARY. On page 112, line 24, after the word "dollars," it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, authorized to require all payments for water rights under the reclamation act of June 17, 1902, to be made to the special fiscal agents or other bonded fiscal officers of the Reclamation Service established under the provisions of said act, who shall collect, receive, deposit, and account for the moneys so paid as the building, operation, and maintenance charges, in pursuance of public notices issued under said act, and any other moneys which may come into their possession in connection with the operations under said act, and the Secretary may make regulations to govern such officers in the collection and deposit of and accounting for such moneys. The gross amount of such collection shall be deposited in the Treasury as repayments to the reclamation fund.

Mr. HALE. The Senator who offers the amendment is a very good lawyer. I should be willing to leave it to him whether this is not, of course, a scheme of general legislation.

Mr. BORAH. Undoubtedly; but I supposed the merit of the proposition might permit the Senate to pass it without objection.

The VICE-PRESIDENT. Does the Senator from Maine make the point of order against the amendment?

Mr. HALE. I have to insist on all these points.

The VICE-PRESIDENT. The amendment proposes general legislation, and the Chair sustains the point of order.

Mr. TELLER. In line 22, page 111, I move to strike out "ten" and insert "twenty-five."

Mr. HALE. There is no objection to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer the amendment I send to the desk.

The SECRETARY. After line 5, on page 175, it is proposed to amend by inserting:

For chaplain's quarters, \$4,500.

Mr. LA FOLLETTE. I will say that this is estimated for and is very much needed.

Mr. HALE. It is all right. The committee would have put it in if it had known the facts.

The amendment was agreed to.

Mr. DILLINGHAM. On page 104, after line 4, I offer the amendment I send to the desk.

The SECRETARY. On page 104, after line 4, it is proposed to insert:

For the expenses of the commission provided for in section 39 of said act of February 20, 1907, including the salaries of the commissioners and their clerks and other employees, \$250,000.

Mr. CLAY. I ask the Senator from Vermont whether that is in addition to the amount that has already been spent for the Immigration Commission?

Mr. DILLINGHAM. The Senate is probably aware that what is known as the "immigration fund," which is created by the head tax on aliens admitted into the United States, has always been held as a separate fund. By the provisions of the pending bill that fund is turned into the Treasury, and direct appropriations are made for carrying on the work previously carried on and paid for out of that fund. Immediately preceding the proposed amendment is the provision for carrying on the work of the Bureau of Immigration. By the act of 1907, the "immigration act," so called, the Immigration Commission was created, and the expenses were to be paid out of that fund. That has been carrying on its work, and the work is very largely completed. More than half of it is done.

It covers the entire country. I suppose there is a force of 70 or 80 men in different parts of the country to-day gathering information which eventually will be presented in reports to Congress.

Mr. CLAY. Can the Senator from Vermont state how much has been expended up to this time?

Mr. DILLINGHAM. Something over \$300,000; about \$330,000. I have not the exact figures at hand.

Mr. CLAY. Are we to spend \$250,000 in addition to that sum?

Mr. DILLINGHAM. I think the work next year will probably cost about \$200,000, and that will complete it.

Mr. CLAY. The entire work, then, will cost over a half a million dollars?

Mr. DILLINGHAM. It will cost a half a million dollars, and that sum we appropriate every year for the exclusion of the

Chinese alone; and I apprehend the work of this commission will be of more value to the country than has come under that provision of the law in twenty years. We never have had in the history of this Government any authoritative examination of the whole question of immigration as it affects the whole country—all of the States, all the branches of society, and all the branches of business.

The commission is carrying on the work in a scientific way. It presented a report to Congress Saturday last, which is now in the hands of the printer; and I will be very glad, indeed, to have every Senator read it.

This provision was in the House bill and went out on a point of order. If the amendment is not adopted, I judge from the hasty reading that I have made of the bill that, while the Bureau of Immigration will go on with its work administering the law, the work expressly authorized by Congress and now being conducted by the commission will fall to the ground and never be completed.

Mr. HALE. I think the Senator from Vermont is right about it. Of course it is an expensive piece of business, but I hope the results will amply repay for the money invested and appropriated. I agree with the Senator that unless this item is put either in this bill or some other bill, the deficiency bill, the work of the commission will be arrested.

Mr. FLINT. I offer an amendment to the amendment.

The VICE-PRESIDENT. The Senator from California proposes an amendment to the amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the amendment:

*Provided*, That no money shall be paid to any commissioner unless said commissioner devotes his entire time to the work of the commission.

Mr. LODGE. Mr. President, as one of those commissioners, I may say that I receive no salary or pay of any kind, so my remarks are disinterested. But I object to being compelled to devote all of my time to the commission, and it is really practically impossible to do that, as the chairman knows.

Mr. FLINT. I am speaking of those not in either branch of Congress. We are paying to each of those commissioners, not Members of Congress, \$7,500 a year, the same amount of pay that is received by a Senator of the United States, and yet these commissioners are devoting their time to the work at which they were engaged before they received this appointment. It seems to me that when we are considering the expenses of the Government, it is a proper time to look at the expense of this commission, whose work, as has been said by a commissioner here, will cost half a million dollars, when we also make provision for the Department of Commerce and Labor, which does the same work as the commission. Either this commission should be abolished or the Bureau of Immigration in the Department of Commerce and Labor. Duplicate work is being done at great expense to the Government, and there is a conflict between these two departments—this commission and the Department of Commerce and Labor.

In addition to this, I do not agree with the statement made by the Senator from Vermont that the commission has accomplished anything, as far as the work is concerned on the Pacific coast, in the matter of Chinese smuggling into the United States. As a matter of fact, if Chinese have been smuggled into this country, then there have been a great many incompetent officials in the immigration department of the Government, not only here, but on the Pacific coast.

Mr. DILLINGHAM. I wish to say for the benefit of the Senator from California that there are no differences existing to-day between this commission and the Bureau of Immigration. From the time the commission was organized and began its work it has been its purpose and it has been its action to aid the Bureau of Immigration in carrying on its work, and every investigation which it has made it has made for the benefit of the bureau, but by officers outside of the force that administers the law.

I desire to say for the benefit of the Senator from California that the work done by the commission in southern California was turned over to the department, and the Bureau of Immigration took it up and of its own motion made every discharge of officials that has been made in California. Before those discharges were made the number of Chinese coming over the border was very large, and since those discharges were made the number coming in has been very small indeed. The commission did not do that; the department did it.

Mr. FLINT. I am not complaining of the discharge of officials in southern California. I think that was proper, if they were not efficient. The point I make is, Why limit the removal to three or four officials in southern California if this great

scandal existed there? They should have gone to the fountain head here in the city of Washington if smuggling was going on. The mere discharge of two or three subordinates is not sufficient if a large number of Chinese were smuggled into the United States in southern California. The investigation should not have been allowed to stop with the discharge of three subordinates. The smuggling could not have gone on there unless those who were higher up were either incompetent or aware of what was being done.

Mr. DILLINGHAM. I do not propose to carry on any lengthy discussion with the Senator from California on the question of the work of the commission. I will merely say that was one small branch of the work of the commission which he has referred to. It was taken up by the department and the bureau and was ended long ago, and I hope for the good of the Government.

I desire to say a word in relation to salaries of the commissioners. I stand as my friend the Senator from Massachusetts [Mr. LODGE] stands. Six out of the nine commissioners are members of the Senate or the House, and under the law they get no pay whatever from the commission. Those six of us have given earnest, patient work to the affairs of the commission, and we believe the commission is doing a magnificent work.

The other men were appointed by the President of the United States under the authority of the act creating the commission, and their salaries were fixed by the President of the United States, as the act authorized him to fix the salaries. Two of those men are now holding other government employment, one as Commissioner of Labor and the other as Assistant Secretary of the Department of Commerce and Labor, and the salaries coming to them by reason of those offices are deducted from the salaries which the President fixed for them as members of the Immigration Commission.

Mr. SMITH of Michigan. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Michigan?

Mr. DILLINGHAM. I am very glad to yield.

Mr. SMITH of Michigan. I should like to ask the Senator what is the amount of the head tax?

Mr. DILLINGHAM. Four dollars upon each alien admitted.

Mr. SMITH of Michigan. Upon each alien?

Mr. DILLINGHAM. Upon each alien admitted; and the fund depends upon the number admitted each year.

Mr. SMITH of Michigan. Does the Senator know how much it aggregates?

Mr. DILLINGHAM. It differs with different years. One year we had a million and a quarter of immigrants come in.

Mr. SMITH of Michigan. Does the Senator know what it is for the current year?

Mr. DILLINGHAM. I do not remember the number.

Mr. LODGE. About \$2,000,000 for this year.

Mr. DILLINGHAM. About \$2,000,000 for this year.

Mr. LODGE. I think the immigration fell as low as a half million—between a half million and 600,000, as I remember.

Mr. SMITH of Michigan. Has it ever exceeded the \$2,000,000 mark in any one year?

Mr. LODGE. The immigration began to fall off, and, as the Senator knows, it fell off very much within the last year or eighteen months.

Mr. SMITH of Michigan. Yes.

Mr. LODGE. The present head tax went on at the beginning of the fiscal year, July 1, 1907; so that the increased head tax of \$4 has only been running about eighteen months, and it fell on reduced immigration. Before that it was \$2.

Mr. SMITH of Michigan. I should like to ask whether the head tax applies to adults and children?

Mr. LODGE. Yes; it applies to all over 16 years of age.

Mr. SMITH of Michigan. All aliens?

Mr. LODGE. Yes.

Mr. SMITH of Michigan. Including adults and children?

Mr. LODGE. Children over 16 years of age.

Mr. GARY. I desire to ask the Senator from Vermont a question. He spoke of the salary of two of the gentlemen appointed by the President, but he did not mention the professor in Cornell University.

Mr. DILLINGHAM. Professor Jenks.

Mr. GARY. Is it not a fact that he is a regular lecturer at Cornell University, and has not abandoned his position as such? Is it not a fact that he is a lecturer also at Columbia College? The Senator stated a few days ago—

Mr. DILLINGHAM. Professor Jenks is a professor in Cornell University. During the present year I understand he has delivered three lectures a week. They are old lectures, made

from old material, to which he has given no care or preparation during the current year.

He has simply taken the time to deliver those lectures. He keeps a stenographer with him constantly, and gives his entire time to the work of the commission aside from that.

Mr. GARY. Is he not also engaged in lecturing at Columbia College in New York?

Mr. DILLINGHAM. I am not so informed.

Mr. GARY. I am.

Mr. DILLINGHAM. He was at one time, but not recently.

Mr. GARY. I simply state this for the reason that the Senator, when I was addressing the Senate, said that Professor Jenks gave practically his entire time to the work of the commission.

Mr. DILLINGHAM. I repeat the statement now.

Mr. GARY. I have made investigation, and I find that he is a regular professor at Cornell University. He is also a lecturer in Columbia College, and does other work besides. Now, how can he give all his time to the work of the commission?

Mr. DILLINGHAM. I do not know anything about it other than what I have mentioned. I do not think he is lecturing at Columbia at the present time. He formerly lectured there. He had one year's course of lectures, but he has not done anything of that kind recently that I am aware of.

Mr. BANKHEAD. I should like to inquire whether, if the amendment offered by the Senator from California is adopted, any member of the commission would be paid anything for his necessary expenses outside of his salary.

Mr. DILLINGHAM. I do not remember how the amendment reads.

Mr. BANKHEAD. I should like to understand that. I do not think the Senator from California intended it to go to that extent.

Mr. FLINT. I want them to have their traveling expenses. I have no objection to that.

Mr. LODGE. Let the amendment be stated again.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 104, after line 4, it is proposed to insert:

For the expenses of the commission provided for in section 39 of said act of February 20, 1907, including the salaries of the commissioners and their clerks and other employees, \$250,000.

It is proposed to amend the amendment by adding the following proviso:

*Provided*, That no money shall be paid to any commissioner unless said commissioner devotes his entire time to the work of the commission.

Mr. DILLINGHAM. That answers it.

Mr. LODGE. That would cover the expenses.

Mr. BANKHEAD. The Senator thinks that would cover the expenses?

Mr. DILLINGHAM. I think it would. I hope the amendment to the amendment will not be adopted.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from California [Mr. FLINT] to the amendment of the Senator from Vermont [Mr. DILLINGHAM].

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from Vermont.

The amendment was agreed to.

Mr. MILTON. On page 72, after line 3, I move to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys not otherwise appropriated, to C. M. Cox, of Bonifay, Holmes County, Fla., the sum of \$316.25, for services rendered as United States commissioner in and for the northern district of Florida.

Mr. HALE. I shall make a point of order against the amendment. It is a pure claim. The committee has kept all such claims off the bill.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. MILTON. On page 118, after line 4, I move to insert:

That the interest of the United States in and to the land situated in Dade County, in the State of Florida, to wit: The northwest quarter of the northeast quarter of section 1, township 51, range 41 south and east, is hereby relinquished and released unto John M. Bryan, jr., of Dade County, Fla., and patent issue therefor: *Provided*, The said John M. Bryan, jr., pay \$1.25 an acre for the land referred to prior to the issuance of the patent to him.

Mr. HALE. That is clearly subject to a point of order. It is pure legislation.

The VICE-PRESIDENT. The Chair sustains the point of order that the amendment is in the nature of general legislation.

Mr. PILES. At the end of page 74 I move to insert as a separate paragraph:

For establishing, under the direction and supervision of the Light-House Board, such aids to navigation in Alaskan waters as may, in the opinion of the Secretary of Commerce and Labor, be considered advisable and necessary, \$140,000.

Mr. HALE. Is that estimated for or reported by a committee? Mr. PILES. It is estimated for. A bill for this purpose has passed the Senate, and this amendment was referred to the Committee on Commerce and recommended for incorporation in the bill.

The amendment was agreed to.

Mr. DEPEW. On page 204, after line 3, I move to insert:

For the purpose of enabling the army and navy to participate in the Hudson-Fulton celebration, to be held on the Hudson River, New York, September 27 to October 2, 1909, \$25,000, of which \$15,000 shall be at the disposal of the Secretary of War and \$10,000 at the disposal of the Secretary of the Navy.

Mr. HALE. Is this item estimated for by the Secretary of the Treasury or reported by any committee?

Mr. DEPEW. It has not been estimated for or reported by any committee. The State of New York, the city of New York, and private citizens are spending about \$2,000,000 to celebrate the three hundredth anniversary of the discovery of the Hudson River. They are to reproduce the *Half Moon*, in which Henry Hudson went up the river. It seems as though the navy at least ought to participate in order to show the advance of the country since three hundred years ago, and the army ought also add to the dignity of the celebration. Without this amendment neither the navy nor the army can do anything in regard to it, because it takes place next September.

Mr. HALE. I am afraid I must insist on the point of order.

The VICE-PRESIDENT. Will the Senator from Maine kindly state his point of order?

Mr. HALE. It is an additional appropriation, neither estimated for nor reported by any committee.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. RICHARDSON. On page 155, after line 15, I move to insert:

For reconstruction of bridge known as the Middle Bridge across inland waterway between Chincoteague Bay, Virginia, and Delaware Bay, Delaware, in accordance with estimate printed in House Document No. 538, Fifty-ninth Congress, first session, \$12,044.

Mr. HALE. I make the point of order that that item has not been submitted as an estimate at this session nor reported by a committee.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. HEYBURN. On page 112, after line 18, I desire to propose the amendment I send to the desk. I want to say to the Senate and to the Senator in charge of the bill that it simply proposes that the Government of the United States shall hand over property that it has in its possession as trustee for a county, in order that the county may build public buildings on it. It was deeded to the Government of the United States for the purpose of enabling the Government to pass title to the county, and it seems to require some action by Congress.

Mr. HALE. Let us hear what the amendment says.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 112, after line 18, insert:

That the United States relinquish unto the county of Kootenai, in the State of Idaho, all of its right, claim, or title to or the possession of that certain piece or parcel of land situated in Kootenai County, in the State of Idaho, being a part of lot 49, which is a portion of the Fort Sherman Military Reservation, described as follows: Beginning at a point 1,332 feet north of a stone monument at or about high-water mark on the east boundary of Fort Sherman Military Reserve (abandoned), said point being the northeast corner of the Coeur d'Alene and Spokane Railway terminal grounds, in section 14, township 50 north, range 4 Washington base meridian, said point being also the northeast corner of lot 49 of said military reserve (abandoned); thence running west along the north line of said terminal grounds 332 feet; thence southeasterly along a straight line 265 feet, more or less, to a point 252 feet south of and 252 feet west of the place of beginning; thence east 252 feet to the intersection with the east line of said terminal grounds; thence north along said east line 252 feet to the place of beginning; to have and to hold forever as a part of the public lands belonging to the said county of Kootenai.

Mr. HALE. Likely this is a good proposition, but if the Senator will allow me it has no place on the appropriation bill. It is clearly general legislation.

Mr. HEYBURN. It has passed this body.

Mr. HALE. That does not make it in order.

Mr. HEYBURN. I understand, but it is an appropriation of land instead of money, and land that the Government holds. We passed the bill here.

Mr. HALE. I know, but that does not make it in order.

The VICE-PRESIDENT. The Chair is of opinion that the amendment is in contravention of the rule, and sustains the point of order. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. CLAY. I wish to call the attention of the Senator in charge of the bill to page 222. The provision there, beginning in line 6, reads:

In all, \$33,638,000, the same to be available until expended: *Provided*, That all expenditures from the appropriation herein and herein-

after made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and the amount of bonds authorized by said section is hereby increased to \$160,000,000.

Mr. President, if I remember correctly when we provided for the construction of the Isthmian Canal, we provided by law for the issuance of \$120,000,000 of bonds. I remember that during the present session of Congress the junior Senator from Illinois [Mr. HOPKINS] introduced a bill providing for the issue of \$500,000,000 of additional bonds. That bill was referred to the Committee on Inter-oceanic Canals and the committee reported back to the Senate that it had no jurisdiction of the subject-matter, and the bill was referred to the Committee on Finance. If the Finance Committee has ever acted in regard to this matter, I am not aware of the fact.

The Committee on Appropriations is not the proper committee to consider the issuance of bonds for the purpose of building the canal. Certainly such legislation ought to come either from the Committee on Inter-oceanic Canals or the Committee on Finance, and if there has been any action on the part of the Committee on Finance in regard to this matter, as I said, I am not aware of it.

When we provide for the issuance of bonds, the Finance Committee should provide the terms on which the bonds shall be issued. Certainly the Appropriations Committee has not provided for the issuance of thirty millions of bonds additional, believing that the additional \$30,000,000 will complete the canal.

Mr. President, we have been told by the chairman of the Committee on Inter-oceanic Canals that it would take at least \$250,000,000 or more bonds to complete the canal. I am sure that the Committee on Appropriations has not considered this matter in any way whatever. We have not discussed how many bonds ought to be issued. We have not had any hearing as to how much additional money will be required to complete the canal.

It is true that when the skilled engineers of the War Department made a critical examination and surveys of the situation there they reported to Congress that \$139,000,000 would complete the canal, and the original act provided for \$139,000,000.

Now, it has been stated that it will take \$500,000,000. Such a statement is a reflection, Mr. President, upon the War Department. We sent the skilled engineers of the War Department to spend two years on the Isthmus to make a careful and critical examination as to the cost of this work.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. CLAY. In one moment. They reported that \$139,000,000 would be an ample sum for the purpose of completing the canal. Now, in two years, without any reason for this increased expenditure, we are told that it will take \$500,000,000. There ought to be some reason, Mr. President, for this increase. I yield to the Senator from Maine.

Mr. HALE. I am entirely willing that the provision shall be struck out. There is money enough to go on for a while, and the amount provided here is not much more than a flea bite compared with what we shall have to appropriate hereafter. Soon enough for the Senator and for all of us, the Committee on Finance, in consultation with the Committee on Inter-oceanic Canals, the organs of the Senate, will report a measure that authorizes the new loan. It will not be for the amount given here, but it will be for a larger amount.

We shall find out (and nothing that we can do now will affect that) that in a few years to come we shall be called upon to continue to make appropriations in very large sums for this enormous work. The money will be forthcoming by borrowing, by loans. It is not of any importance in conducting the work whether this item goes into the bill. The subcommittee thought it was well enough to provide for this small increase. It is not very much. But if the Senator is troubled about it, I am entirely willing that it shall go out.

Mr. CLAY. I am not troubled about it. I have been troubled considerably in regard to the proposition that our engineers in the War Department went to the Isthmus and made a critical examination and an extensive report to Congress, and stated in the report that \$139,000,000 would be ample for the purpose of completing a lock-dam canal.

Mr. HALE. I will say to the Senator—

Mr. CLAY. If any new conditions have arisen since that time whereby the expenses have been increased, conditions that were not known to the engineers sent by the War Department at that time, Congress has not been informed of the fact. Certainly, Mr. President, it is a very severe criticism upon the engineers of the War Department that they said three or four years ago this work could be completed for \$139,000,000 and now we are told that it is to cost \$400,000,000 or \$500,000,000,

without any additional reasons being alleged for the additional expense.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. CLAY. Certainly.

Mr. HALE. I have no doubt everybody who made that guess is ashamed of it.

Mr. WARREN. They were not engineers of the War Department.

Mr. HALE. I say whoever made it.

Mr. CLAY. Part of them were engineers of the War Department.

Mr. HALE. We went into this thing in a blind way and we have stumbled along in a blind way ever since. I think a majority of the Senate were in favor of a sea-level canal, but the influences were such that they were drawn off and committed themselves to the lock-type of canal. We have had a great many examinations by high authorities, and only one thing has been omnipresent, and that is more money. That we meet everywhere. We have met and will meet again the demand for more money. No man, no board, no officer can make a guess on this enormous enterprise that the Government has gone into, but that it will be far exceeded by what will be called for in the future.

Mr. CLAY. Does the Senator say that this provision for \$30,000,000 of additional bonds is simply to meet immediate demands?

Mr. HALE. It will last for a little while; that is all.

Mr. WARREN. Will the Senator from Georgia allow me?

Mr. CLAY. Certainly.

Mr. HALE. I am entirely willing that the provision shall go out.

Mr. WARREN. I do not think it ought to go out.

Mr. HALE. I do not think it ought, but it is not essential.

Mr. WARREN. On the 1st day of January we had spent \$170,974,468.58; in round numbers, \$171,000,000. So we have spent a great deal more money than we are now permitted to bond for. It is true that a part of it was not to be paid from the proceeds of the bonds, but if we are going to bond for any more there is no reason why we should not raise the limit to \$160,000,000 now, for we surely will issue several times that amount before we get through. This proposes the same terms, the same interest, the same kind of bonds as were authorized in the original.

Mr. CLAY. Has the Senator any accurate information—

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. CLAY. Certainly.

Mr. ALDRICH. I agree with the Senator from Maine that this proposition, as it now stands in the bill, had better go out. I am quite sure it will not be effective in the sale of the bonds of the class which is enumerated here. We have already issued bonds, as I remember it, to the extent of \$84,000,000.

Mr. CLAY. The act provides for the issue of \$130,000,000. That is my recollection.

Mr. ALDRICH. That leaves \$46,000,000 yet to be issued. I am quite sure that not more than \$46,000,000 will be issued between now and the regular meeting of Congress next December; and then probably it will be the duty of Congress to provide for other classes of bonds. I am very certain that \$30,000,000 here authorized, in addition, of the class of bonds that are described in section 8, Spooner Act, could not be sold at par at the present time without the banking privilege. Therefore, I think this provision had better go out.

Mr. CLAY. That shows the importance of the Finance Committee taking up the question of issuing bonds to complete the canal.

Mr. ALDRICH. They can not probably sell between now and next December more than \$46,000,000 of 2 per cent bonds; so I think there is no particular reason why this provision should stay in the bill.

Mr. CLAY. I agree with the Senator that it ought to go out. I do not think it ought to stay in the bill.

Mr. WARREN. I should like to ask the Senator from Rhode Island what was the lowest figure at which we sold bonds under the act before.

Mr. ALDRICH. We never sold any bonds under the provision of the act as it stands in this bill.

Mr. WARREN. This is a change of the original act?

Mr. ALDRICH. No; the original act was not changed. This provides for the class of bonds which was provided for in section 8 of that act, which were 2 per cent bonds, without the currency privilege. No 2 per cent bonds have ever been sold

at par without the currency privilege, and none could be sold. So that this provision would be inoperative if it should stay in the bill.

Mr. WARREN. Do I understand the Senator to say that the Panama bonds which have already been sold were not sold under the provisions of that act?

Mr. ALDRICH. They were sold under an amended provision of a subsequent date.

Mr. WARREN. This should include the subsequent amendment.

Mr. ALDRICH. It should include the subsequent legislation.

Mr. WARREN. I agree with the Senator as to that.

Mr. TELLER. Mr. President, there is not a man living who knows how many bonds we shall have to sell, and I suppose it will be a proper method of procedure to issue bonds as we need them. That is the way it seems to me. No one, from the President down, can give you any conception of what this canal is going to cost. The estimates of its cost have varied from time to time, as we all know.

Mr. President, to-morrow, if I can get an opportunity to do so, I want to spend about fifteen or twenty minutes on this canal proposition. I want to say a few words about the canal and to make a few predictions regarding it.

Mr. HALE. Now, Mr. President, let us have the bill reported to the Senate.

The VICE-PRESIDENT. The amendment in lines 13, 14, and 15, on page 222, without objection, is disagreed to.

Mr. CARTER. I offer an amendment, to come in at the bottom of page 137.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. At the bottom of page 137 it is proposed to insert:

For the purchase by the Commissioners of the District of Columbia, for park purposes, of the land included between Euclid street, Columbia avenue or Fifteenth street, W street or Florida avenue, and Sixteenth street extended, containing about 437,000 square feet, \$550,000; also as an addition to the Rock Creek Park of the several parcels of land designated and marked as "A," "B," "C," and "D" on a map dated February 27, 1906, and called "Addition to Rock Creek Park," and on file in the surveyor's office of the District of Columbia, and embracing about 100 acres, \$423,000: *Provided*, That the several pieces of land indicated and marked on said map as land to be dedicated, abandoned, or exchanged by the persons or parties owning, or who shall acquire, the same shall be, and shall be held to be, severally and respectively dedicated, abandoned, or exchanged when and as soon as the purchase money herein specified shall have been paid; *And provided further*, That the aforesaid sums hereby appropriated, or so much thereof as may be expended, shall be payable one-half from the revenues of the District of Columbia and one-half out of any money in the United States Treasury not otherwise appropriated.

Mr. HALE. The committee considered this amendment and rejected it. It is a new project. It is general legislation for the purchase of land. I make the point of order against it.

The VICE-PRESIDENT. The amendment is in contravention of the rule, and the point of order is sustained.

Mr. BAILEY. After the word "necessary," in line 13, on page 161, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 161, after the word "necessary," in line 13, it is proposed to insert:

For the purchase of 304.26 acres of land adjoining Fort Sam Houston for target range for small arms and drill ground, \$70,000.

Mr. HALE. That amendment is of the same character as the previous one, and I make the same point of order against it.

The VICE-PRESIDENT. The amendment is general legislation, and is therefore obnoxious to the rule. The Chair sustains the point of order.

Mr. CARTER. I offer the amendment which I send to the desk, well knowing that the point of order was made against a like amendment presented by the junior Senator from Maine [Mr. FRYE].

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert on page 225, after line 5, the following:

For cooperation in the International Austro-Hungarian Exposition of the Chase, to be held in Vienna, Austria, beginning in May, 1910; for the collection, preparation, and transportation of specimens, objects, and materials necessary for said exposition; for salaries and traveling expenses, and for rental of temporary quarters, workshops, and storage rooms in the District of Columbia and elsewhere, the sum of \$150,000, to be expended under the direction of the Secretary of State of the United States and to be immediately available.

Mr. CARTER. Mr. President, I understand the committee considered both this proposed amendment and the one presented by the junior Senator from Maine [Mr. FRYE] relating to Brussels. I can but express regret at the Government's failure to respond to the invitations extended by the respective governments of Belgium and Austria-Hungary. I do not intend to press this amendment, believing it is open to the point of order

which has heretofore been sustained as to the Brussels amendment. I feel, however, that it is but proper to call the attention of the Senate to the peculiar situation in which the rejection of these two amendments leaves this Government.

On several occasions the Government of Belgium, and likewise the Government of Austria-Hungary, responded in most handsome fashion to invitations extended by authority of Congress to participate in expositions in this country—one at Chicago and the other at St. Louis.

Now that they call upon the Government of the United States to return the compliment, it seems rather unfortunate for us to decline to return that compliment or courtesy.

I will therefore ask unanimous consent that both the Brussels amendment and this amendment be added to the bill, and will say to the acting chairman of the committee that a very great reduction of the amount provided in each case would be acceptable rather than a complete defeat of the amendments. Unless some provision is made to recognize the invitations extended, they will have been entirely ignored. The Committee on Foreign Relations took this view, fully realizing that it was not desirable to make large appropriations at this time for any purpose; but common courtesy, it seems to me, requires that we shall give some reasonable recognition to the invitations of these two Governments so extended. I do not insist upon any particular amount, nor do I believe that either amendment is not subject to the point of order. I therefore ask unanimous consent of the Senate that these two amendments be accepted, and at the same time to announce to the acting chairman in charge of the bill that any amount appropriated which furnishes recognition of the invitation extended to this Government will be satisfactory.

Mr. HALE. Mr. President, we have a Committee on Expositions, which has been in session nearly two years—that is, since this Congress met—and all these subjects ought to be taken into consideration by that committee, which can give time to investigate participation in these outside foreign performances; but they ought not to be brought into the Senate within forty-eight hours of the close of the session for us to consider. So I am constrained to object to the request of the Senator from Montana and to make the point of order against the amendment.

The VICE-PRESIDENT. The point of order is sustained against the amendment, on the ground that it is general legislation.

Mr. CARTER. Mr. President, I seem to be very unfortunate; but I am not alone in having amendments rejected on points of order and otherwise, so I will ask a question.

Sometime ago I undertook to ascertain the cost of keeping government prisoners at the military prisons. I find on page 163 of this bill a provision appropriating a large sum of money for the extension of the military prison at Fort Leavenworth. I was astonished to find that there never had been a report made with reference to the disbursements or the management or the cost of maintenance of that prison, and I desire to ask the chairman of the Committee on Military Affairs [Mr. WARREN] what kind of government is provided by Congress for the military prison at Fort Leavenworth, and why it is that there is no report of the disbursements from that institution, which was established in 1873 or 1874?

Mr. WARREN. Mr. President, as to the earlier history of that prison I would not be able to give the Senator the information for which he asks. As I understand, it was a small concern originally, but it is now, or lately has been, receiving large additions, and is about to become a very large and important prison. The board of management, I think, is now comprised, or has been heretofore, of only three general officers. I would like to ask the Senator from Montana what his amendment proposes?

Mr. CARTER. In view of the fact that no one has ever reported anything with reference to the prison, I have an amendment which I shall offer which I think will secure reports hereafter.

Mr. WARREN. I should like to hear the amendment read.

Mr. CARTER. The amendment proposes to have the Board of Commissioners of the Soldiers' Home, which seem to make very elaborate and intelligent reports on matters committed to their care, take charge of this prison management. The amendment is self-explanatory.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 163, after the word "dollars," in line 21, it is proposed to insert the following:

*Provided*, That hereafter the government and control of the United States military prison shall, under the Secretary of War, be vested in the Board of Commissioners of the United States Soldiers' Home, which board shall consist, as at present, of the Surgeon-General, the Commissary-General, The Adjutant-General, the Quartermaster-General, the Chief of Engineers, the Judge-Advocate-General, and the governor of the home, and the president of said board, who shall be the senior in rank of the members thereof, shall submit annually to the Secretary of War,

for transmission to Congress, a full statement of the financial and other affairs of both the home and the prison for the preceding fiscal year.

Mr. WARREN. Mr. President, I observe that the amendment will not change the chairmanship of the board, but that it adds more general officers from the supply department. I see no objection to it myself.

Mr. CARTER. It adds to the board without increasing the expense. It will probably result in efficient management.

Mr. HALE. Mr. President, if the Senate is in favor of the amendment, I will accept it.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### HOURLY MEETING.

Mr. HALE. I move that when the Senate adjourns to-day it adjourn to meet at 10 o'clock to-morrow morning.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 27926. An act to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River, in the State of Indiana; and

H. J. Res. 263. Joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 5728. An act for the relief of James H. De Coster;

H. R. 23717. An act to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska;

H. R. 27061. An act to provide for the appointment of one additional district judge in and for the western district of Washington, and one additional district judge in and for the district of Oregon;

H. R. 28046. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 265. Joint resolution to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes.

#### TERMS OF COURT AT SPRINGFIELD, MASS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6074) to provide for holding terms of the United States circuit and district courts at Springfield, Mass., which were, in line 4, to strike out "terms" and insert "sessions;" line 7, to strike out "third" and insert "second;" in line 8, to strike out all after "of" down to and including "of" in line 9, and insert "December;" and after line 13 to insert:

SEC. 3. That suitable rooms and accommodations shall be furnished for holding said courts free of expense to the Government of the United States until such time as a federal building shall be prepared for that purpose in said Springfield.

Also, to amend the title so as to read: "An act to provide for holding sessions of the United States circuit and district courts at Springfield, Mass."

Mr. LODGE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

#### CHICAGO, LAKE SHORE AND EASTERN RAILROAD COMPANY.

The bill (H. R. 27926) to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River, in the State of Indiana, was read twice by its title.

Mr. HEMENWAY. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DISTRIBUTION OF GOVERNMENT PUBLICATIONS.

The joint resolution (H. J. Res. 263) to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, was read twice by its title, and referred to the Committee on Printing.

Mr. KEAN subsequently said: The Senator from West Virginia [Mr. ELKINS], who is a member of the Committee on Printing, was very anxious that House joint resolution No. 263 should be reported back from that committee, and he requested me to report it for him. I, therefore, on behalf of the Senator from West Virginia, report the joint resolution from the Committee on Printing.

Mr. STONE. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 263) to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications. It provides that all documents and books ordered to be published by the Sixtieth Congress which are actually printed prior to the first Monday in December next, to which Members of that Congress not Members of the Sixty-first Congress would have been entitled if published prior to the 4th day of March, shall be allotted such Members, and the term allowed to distribute the same shall be extended to the first Monday of December next.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JUDGES FOR HAWAII, ALASKA, ETC.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was considered by unanimous consent and agreed to:

#### House concurrent resolution 75.

*Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives H. R. 21896, Sixtieth Congress, "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes."*

#### NATIONAL FORESTS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains, which was to strike out all after the enacting clause and to insert in lieu thereof a substitute.

Mr. BRANDEGEE. I move that the Senate disagree to the amendment of the House of Representatives, ask for a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

Mr. HEYBURN. Mr. President, I object to the appointment of conferees on the bill.

The VICE-PRESIDENT. The Chair will put the question. The Senator from Connecticut [Mr. BRANDEGEE] moves that the Senate disagree to the amendment of the House of Representatives, ask for a conference on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

Mr. HEYBURN. I object to the appointment of conferees.

Mr. TELLER. That is a bill that ought to come before the Senate in proper shape, and have some amendments made to it. I object to any conference on this bill in its present condition. Besides, Mr. President, there is not a quorum of the Senate present at this time. I therefore move that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 2, 1909, at 10 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate March 1, 1909.*

#### COLLECTOR OF INTERNAL REVENUE.

Claude I. Parker, of California, to be collector of internal revenue for the sixth district of California. A new office created by presidential order dated February 16, 1909.

#### UNITED STATES ATTORNEY FOR HAWAII.

A. L. C. Atkinson, of Hawaii, to be United States attorney for the Territory of Hawaii, vice Robert W. Breckons, resigned.

#### CONSUL-GENERAL.

William W. Handley, of New York, lately consul of class 7 at Trinidad, to be consul-general of the United States of class 5 at Boma, to which office he was promoted during the last recess of the Senate, vice James A. Smith, transferred and appointed to be consul-general of class 5 at Genoa.

## COMMISSIONER OF IMMIGRATION.

Robert Watchorn, of New York, to be commissioner of immigration at the port of New York, N. Y., in the Department of Commerce and Labor, to take effect on February 11, 1909. (Re-appointment.)

## MEMBER OF THE PHILIPPINE COMMISSION.

Frank A. Branagan, of Ohio, to be a member of the Philippine Commission, to be effective March 1, 1909, vice W. Morgan Shuster, whose resignation has been accepted to take effect on that date.

## ASSOCIATE JUSTICES SUPREME COURT OF NEW MEXICO.

Edward A. Mann, of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico. A re-appointment, his term having expired on December 12, 1908.

Ira A. Abbott, of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico. A re-appointment, his term having expired January 9, 1909.

## PROMOTIONS IN THE NAVY.

## TO BE CAPTAINS FROM DATES OPPOSITE THEIR NAMES.

Templin M. Potts, July 11, 1908;  
Burns T. Walling, July 19, 1908;  
Clifford J. Boush, July 20, 1908;  
James H. Sears, August 1, 1908;  
Abraham E. Culver, September 3, 1908;  
Henry T. Mayo, September 7, 1908;  
Charles C. Rogers, October 25, 1908;  
John T. Newton, October 30, 1908;  
Benjamin Tappan, October 30, 1908;  
Charles F. Pond, November 12, 1908;  
Walter McLean, December 15, 1908;  
Washington I. Chambers, December 17, 1908;  
James C. Gillmore, December 23, 1908; and  
Charles A. Gove, January 7, 1909.

## APPOINTMENT IN THE ARMY.

## COAST ARTILLERY CORPS.

Engineer Guy Brandon Lawrason, Coast Artillery Corps, to be second lieutenant, with rank from February 26, 1909.

## PROMOTIONS IN THE ARMY.

## MEDICAL CORPS.

Lieut. Col. Louis Brechemin, Medical Corps, to be colonel from February 26, 1909, vice Adair, retired from active service.  
Maj. Henry S. T. Harris, Medical Corps, to be lieutenant-colonel from February 26, 1909, vice Brechemin, promoted.

## CAVALRY ARM.

Maj. Hoel S. Bishop, Fourteenth Cavalry, to be lieutenant-colonel from February 26, 1909, vice Hardie, Fifteenth Cavalry, retired from active service.

Capt. William S. Scott, Tenth Cavalry, to be major from February 26, 1909, vice Bishop, Fourteenth Cavalry, promoted.

First Lieut. Henry W. Parker, Second Cavalry, to be captain from February 26, 1909, vice Scott, Tenth Cavalry, promoted.

## COAST ARTILLERY CORPS.

First Lieut. Henry H. Scott, Coast Artillery Corps, to be captain from February 25, 1909, vice Tobin, detailed as quartermaster.

Second Lieut. Louis L. Pendleton, Coast Artillery Corps, to be first lieutenant from February 25, 1909, vice Scott, promoted.

## INFANTRY ARM.

Second Lieut. Donald D. Hay, Twenty-fifth Infantry, to be first lieutenant from October 31, 1908, vice Parker, Twenty-sixth Infantry, promoted.

Second Lieut. Philip G. Wrightson, Twentieth Infantry, to be first lieutenant from November 21, 1908, vice Herring, Sixteenth Infantry, retired from active service.

Second Lieut. George W. Ewell, Third Infantry, to be first lieutenant from November 21, 1908, vice Smith, Third Infantry, promoted.

Second Lieut. Claire R. Bennett, Eighth Infantry, to be first lieutenant from November 25, 1908, vice Spiller, Twenty-sixth Infantry, retired from active service.

Second Lieut. Bowers Davis, Sixth Infantry, to be first lieutenant from November 25, 1908, vice Sanford, Twenty-fourth Infantry, promoted.

## APPOINTMENTS, BY TRANSFER, IN THE ARMY.

## SIGNAL CORPS.

Capt. Arthur S. Cowan, Eighteenth Infantry, to the Signal Corps, with rank from March 7, 1907.

## INFANTRY ARM.

Capt. Henry S. Hathaway, Signal Corps, to the Infantry Arm, with rank from March 7, 1907.

## POSTMASTERS.

## INDIANA.

John C. Jenkins to be postmaster at Fortville, Ind. Office became presidential January 1, 1908.

John H. Kimble to be postmaster at Brookville, Ind., in place of George E. Mullin. Incumbent's commission expired February 20, 1909.

## MISSOURI.

A. H. Doermann to be postmaster at Eldorado Springs, Mo., in place of Edgar W. Prentiss. Incumbent's commission expired December 16, 1908.

B. P. Sigler to be postmaster at Bethany, Mo., in place of William R. Lewis. Incumbent's commission expired December 13, 1908.

## NEW YORK.

Perrin C. Bailey to be postmaster at Wilson, N. Y., in place of Elmer A. Johnson. Incumbent's commission expired December 13, 1908.

## NORTH DAKOTA.

Frank E. Heath to be postmaster at Beach, N. Dak. Office became presidential July 1, 1908.

## CONFIRMATIONS.

*Nominations confirmed by the Senate March 1, 1909.*

## CONSUL.

Edward L. Adams, of New York, to be consul of class 5 at Dublin, Ireland.

## SECOND SECRETARY OF EMBASSY.

Thomas Ewing Dabney, of Louisiana, to be second secretary of the embassy at Mexico, Mexico.

## THIRD SECRETARY OF EMBASSY.

Gustave Scholle, of Minnesota, to be third secretary of the embassy of the United States at Berlin, Germany.

## SECRETARY OF LEGATION.

W. Bayard Cutting, jr., of New York, to be secretary of the legation of the United States at Tangier, Morocco.

## COMMISSIONERS-GENERAL TO TOKYO EXPOSITION.

Francis B. Loomis to be a commissioner-general of the United States to the national exposition to be held at Tokyo.

Francis D. Millet to be a commissioner-general of the United States to the national exposition to be held at Tokyo.

Frederick J. V. Skiff to be a commissioner-general of the United States to the national exposition to be held at Tokyo.

## UNITED STATES DISTRICT JUDGE.

John E. Sater to be district judge for the southern district of Ohio.

## PHILIPPINE COMMISSIONER.

Frank A. Branagan member of the Philippine Commission.

## ASSISTANT TREASURER OF THE UNITED STATES.

George S. Terry to be assistant treasurer of the United States.

## POSTMASTERS.

## CONNECTICUT.

William A. Smith, at Hazardville, Conn.

## GEORGIA.

William C. Cole, at Lawrenceville, Ga.

## IOWA.

William M. Boylan, at Hubbard, Iowa.

## KANSAS.

Edwin J. Bookwalter, at Halstead, Kans.

## KENTUCKY.

George W. Hutcheson, at Lawrenceburg, Ky.

## LOUISIANA.

Bettie E. Glover, at Arcadia, La.

## MAINE.

Clarence L. Ridlon, at West Paris, Me.

## MICHIGAN.

William C. Metz, at St. Charles, Mich.

## MINNESOTA.

Stephen E. Fay, at Raymond, Minn.

Jesse A. Maxwell, at Fulda, Minn.

Charles M. Nelson, at Elbow Lake, Minn.

## MISSISSIPPI.

William J. Brigham, at Tunica, Miss.  
Felicie L. Delmas, at Scranton, Miss.  
Jennie D. Ligon, at Gloster, Miss.  
L. Hilton Tubb, at Amory, Miss.

## NEBRASKA.

Frank C. Evans, at Wisner, Nebr.  
Albert C. McFarland, at Lynch, Nebr.

## NEW YORK.

Thomas B. Lowerre, at Flushing, N. Y.

## NORTH CAROLINA.

Charles M. Hoover, at Thomasville, N. C.  
Jasper Z. Waller, at Burlington, N. C.

## NORTH DAKOTA.

Thomas B. Hurley, at Bowbells, N. Dak.  
Albert E. Hurst, at Rolette, N. Dak.  
Elstow McKoane, at Ambrose, N. Dak.  
John K. Soule, at Cogswell, N. Dak.

## OHIO.

James H. Muir, at Pemberville, Ohio.  
John K. Niesz, at Maumee, Ohio.

## OKLAHOMA.

George W. Mellish, at Comanche, Okla.

## PENNSYLVANIA.

Clarence L. Dindinger, at Zelenople, Pa.  
John W. Zerbe, at Shamokin, Pa.

## SOUTH DAKOTA.

Arthur B. Chubbuck, at Ipswich, S. Dak.  
Orator H. La Craft, at Clark, S. Dak.

## TEXAS.

Emily H. Ellis, at Toyah, Tex.  
Hugh E. Exum, at Shamrock, Tex.  
William B. Kirby, at Wellington, Tex.  
John C. McBride, at Woodville, Tex.  
H. W. Mullis, at McLean, Tex.  
Lafayette Sharp, at San Augustine, Tex.  
Jasper C. Williamson, at Kirbyville, Tex.

## UTAH.

Clifford I. Goff, at West Jordan, Utah.

## VERMONT.

Alma H. Ayer, at Richford, Vt.

## WISCONSIN.

William W. Clarke, at Milton, Wis.  
Thomas Gander, at Soldiers Grove, Wis.  
Martin J. Gosa, at Palmyra, Wis.  
Fred P. Harmon, at Belleville, Wis.

## HOUSE OF REPRESENTATIVES.

MONDAY, March 1, 1909.

[Continuation of legislative day of Tuesday, February 23, 1909.]

The recess having expired, the House was called to order at 11 o'clock a. m. by the Speaker.

SPEECH OF HON. GEORGE W. COOK.

Mr. MANN. Mr. Speaker, I rise to present a privileged report.

The SPEAKER. The gentleman from Illinois, from the select committee appointed under House resolution 604, presents a privileged report (H. Rept. No. 2289), which the Clerk will read:

The Clerk read as follows:

The select committee appointed to consider the remarks of Hon. GEORGE W. COOK, delivered in the House on February 25 last and printed in the CONGRESSIONAL RECORD, on pages 3203 and 3204, and alleged to be in violation of the privileges of debate, beg leave to report that we have carefully and critically examined the speech of Mr. COOK referred to, and are of the opinion, and so report, that said speech does not, when treated as a whole, contain language in violation of the privileges of debate, and does not call for further action by the House; and your committee, therefore, respectfully requests to be discharged.

JAMES R. MANN.  
JAMES B. PERKINS.  
DAVID J. FOSTER.  
HENRY D. CLAYTON.  
WILLIAM M. HOWARD.

Mr. MANN. I move that the committee be discharged.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

## SENATE BILLS ON THE PRIVATE CALENDAR.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the order which I send to the Clerk's desk.

The Clerk read as follows:

*Ordered*, That during the remainder of this calendar day it shall be in order in the House as in Committee of the Whole House to consider Senate bills on the Private Calendar to the consideration of which objection is not made by two Members.

Mr. FITZGERALD. Why two? It used to be three.

The SPEAKER. Is there objection?

There was no objection.

## BRIDGE ACROSS CALUMET RIVER, INDIANA.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 27926) to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River, in the State of Indiana.

The Clerk read as follows:

*Be it enacted, etc.*, That the Chicago, Lake Shore and Eastern Railway Company, a corporation organized under the laws of the States of Indiana and Illinois, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge, and approaches thereto, across the Calumet River in the northwest quarter of section 4, township 36 north, range 8 west of the second principal meridian, in Lake County, in the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 3, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On line 2, page 2, strike out "third" and insert "twenty-third."

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time and passed.

## UNITED STATES COURTS, SPRINGFIELD, MASS.

Mr. STERLING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6074) to provide for holding terms of the United States circuit and district courts at Springfield, Mass.

The bill was read, as follows:

*Be it enacted, etc.*, That hereafter, and until otherwise provided by law, two terms of the district and circuit courts of the United States for the district of Massachusetts shall be held in each and every year in the city of Springfield, Mass., beginning, respectively, on the third Tuesday of May and the second Tuesday of November, to continue until the business is disposed of.

SEC. 2. That the marshal and clerk of said district shall each, respectively, appoint at least one deputy, to reside in said city of Springfield, and he shall also maintain an office at that place.

With the following amendments:

In line 4 strike out the word "terms" and insert the word "sessions."

Line 7, strike out the word "third" and insert the word "second."

Line 8, strike out the words "November, to continue until the business is disposed of" and insert the word "December."

Amend the title by striking out the word "terms" and inserting the word "sessions."

Add section 3:

"SEC. 3. That suitable rooms and accommodations shall be furnished for holding said courts, free of expense to the Government of the United States, until such time as a federal building shall be prepared for that purpose in said Springfield."

The SPEAKER. Is there objection?

There was no objection.

Mr. TIRRELL. Mr. Speaker—

Mr. STERLING. The gentleman from Massachusetts [Mr. TIRRELL] desires to say a word in reference to this bill.

The SPEAKER. Does the gentleman yield to the gentleman from Massachusetts?

Mr. STERLING. I do.

Mr. TIRRELL. Mr. Speaker, it seems somewhat ungracious to oppose this bill establishing terms of the circuit and district courts in Springfield, Mass. I do not wish to raise any captious opposition. I deem it my duty, however, to present some of the facts as they have been gleaned and presented to us by the judges of the circuit and districts courts of Massachusetts.

These courts were established in Massachusetts, to be held in the city of Boston in 1789, and have always held their sessions there.

For more than forty years after the establishment of those courts there were no railroads in Massachusetts. It took three days by stage coach to go from Boston to Springfield, where it is now proposed to establish terms of these courts.

The distance between Boston and Springfield is 98 miles. There are now express trains running hourly between those cities, so that you can pass from one to the other in less than three hours.